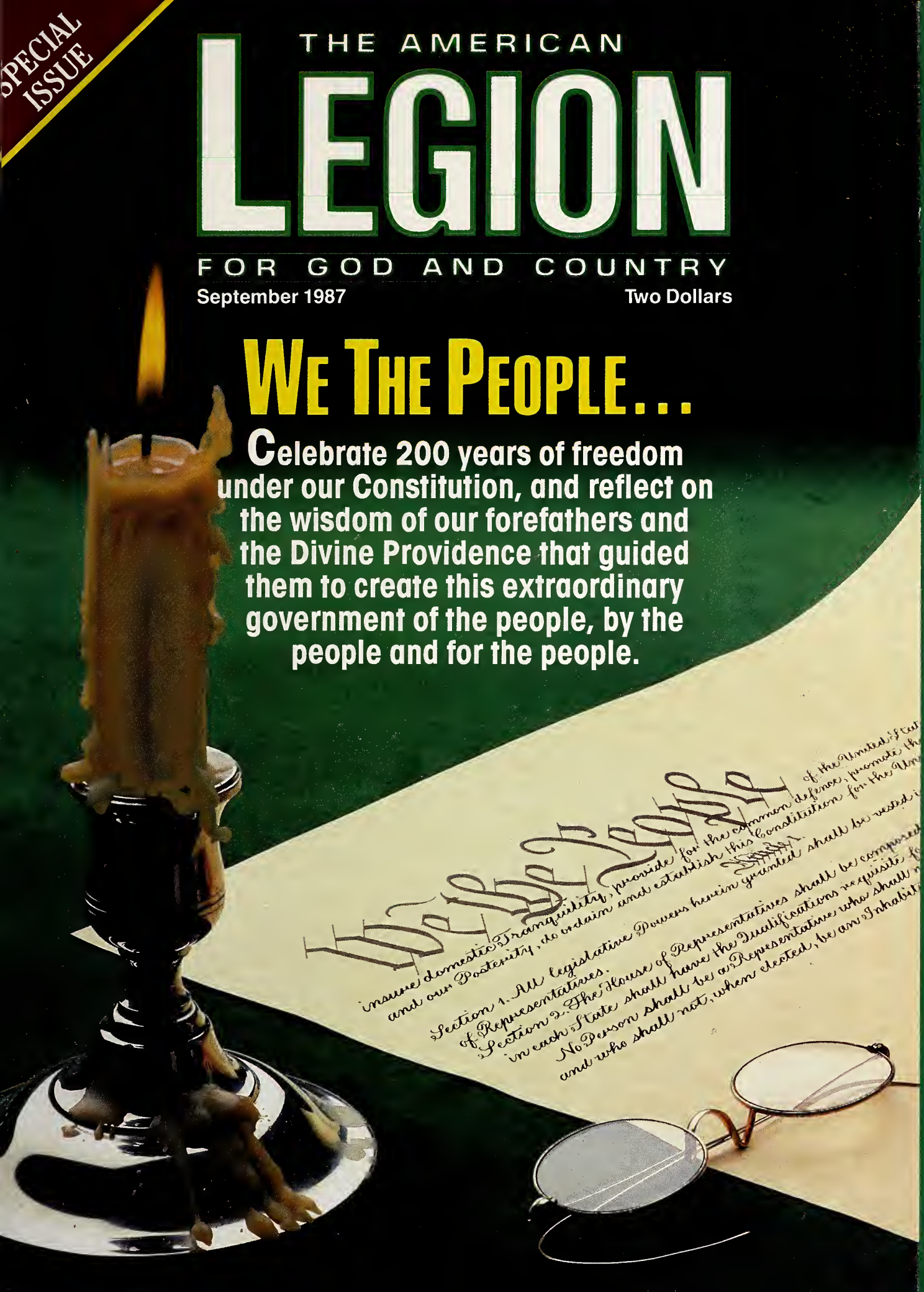
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September 1987 Two Dollars

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THE AMERICAN
LEGION
FOR GOD AND COUNTRY

Vol. 123, No. 3 September 1987



BILL WEST

THE NATION CELEBRATES—*See page 66.*



VIRGINIA MUSEUM OF FINE ARTS

115 DAYS: *HOW THE CONSTITUTION WAS CREATED*—*See page 34.*

THE AMERICAN LEGION MAGAZINE, a leader among national general-interest publications, is published monthly by The American Legion for its 2.8 million members. These military-service veterans, working through 16,000 community-level posts, dedicate themselves to God and country and traditional American values; a strong national security; adequate and compassionate care for veterans, their widows and orphans; community service; and the wholesome development of our nation's youth.

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THE COVER *Photo taken exclusively for THE AMERICAN LEGION MAGAZINE by Susan Robins/Deborah Wolfe LTD.*

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The .44 Magnum was selected because of its famous, long reign as the world's most powerful handgun. And, the Dan Wesson was chosen because it represents the ultimate in American, six-shot revolvers. It is the biggest: at 15" overall, with a 10" barrel, it weighs four pounds. With its removable barrel, adjustable-stop trigger, front-mounted cylinder latch, replaceable front sight and deeply machine-broached rifling, it is the most advanced. These features have helped Dan Wesson revolvers win the IHMSA Silhouette Championships for the past five years, taking 38 of the top 50 finishes since 1981.

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As the *first* commemorative Dan Wesson handgun in history, this is in the "first ever" class of distinction, which has seen many significant, well-documented price increases. From a collector viewpoint, this is destined to be an important classic. From the standpoint of future investment value, this is one of the *rarest* big-bore handguns of *any* type ever because only a relative few are being made.

You can select from two limited edition models: the Deluxe Museum Edition and the Collector's Edition.

Deluxe Museum Edition; Only 500

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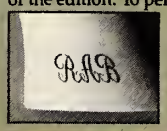
Six major components are polished and plated with pure 24-karat gold. The entire frame and barrel shroud are plated with Sterling Silver. Even the etched inscriptions are selectively plated with 24-karat gold. Only 500 will be made: each is serially numbered between 1 and 500, with the prefix CD for "Constitution-Deluxe."

Collector's Edition; Only 950

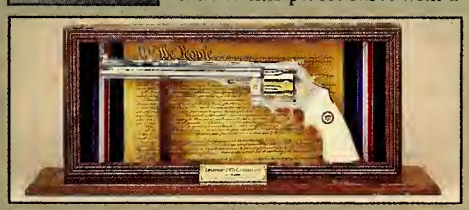
Each gun in the Collector's Edition is polished and blued to a rich, gloss-black finish. The hammer, trigger and front and rear sights are plated with pure 24-karat gold, and the deep etching is gold-gilt infilled. Only 950 will be made; each is serially numbered from 1 to 950, with the prefix CC for "Constitution Commemorative."

Both editions are issued with a Certificate of Authenticity, attesting to the serial number, edition limit, and purity of the precious metal. Matching serial numbers for both editions are available if you act promptly.

Each gun is fitted with a custom presentation grip, made with real ivory combined with polymers for split resistance. Each grip is fitted with a fired enamel cloisonne medallion, bearing the Federal Shield and the title of the edition. To permanently memorialize your revolver, your initials can be engraved, as an option, on the left side of the grip.



The optional glass and walnut showcase is a beautiful, patriotic way to display and protect the investment value of this piece. Inset with a



parchment copy of the Constitution and lined with velvet, it measures 20" × 9" × 3", with a 24" base.

A Firing Handgun

This is a firing handgun that could be used to defend your home and family. It's also a precision-made, highly accurate target pistol that you could shoot to win in competition.

Serial No. 1 of the Deluxe Museum Edition is being presented by the Foundation to the NRA-established Firearms Civil Rights Legal Defense Fund, in acknowledgement of their work to maintain our freedoms. The Commemorative will be displayed in the NRA Museum in Washington, D.C.

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We the People...

THE WHITE HOUSE

WASHINGTON

May 11, 1987

I'm happy to be able to contribute a few words to The American Legion Magazine during our country's celebration of the 200th anniversary of our Constitution.

This precious document, which enshrines the rights of all Americans and sets limits on the powers of government, differs from many other constitutions around the world. The difference is huge, but it can be summed up in just three words: "We the People." Our Constitution begins with those words. "We the People" tell government what it can and can't do, not the other way around.

Americans know that our system of government and our heritage of freedom must be defended. It is never paid for in a lump sum; installments come due in every generation. Brave Americans—and I'm thinking of members of The American Legion and of your comrades-in-arms who can no longer answer roll call or report for muster—have always been willing to go in harm's way to ensure that our Constitution and the way of life it guarantees would survive.

Nearly 150 years ago, President John Quincy Adams said that the Constitution had "abided the test of time." He knew, as his fellow Americans have proven time and again, that no mere paper charter of rights and duties could preserve our land. Rather, the nation would endure only because of the determination and the sacrifices of individual Americans—"We the People" resolving anew to "secure the blessings of liberty to ourselves and our posterity..."

Legionnaires have played a proud role in preserving the Constitution we honor in this bicentennial year, and I am truly proud to salute you—and thank you—for helping make this and future celebrations possible.

God bless you, and God bless America.

Ronald Reagan

Eyes on the olive branch, but arrows at the ready.



The American eagle's stance on the Great Seal of the United States symbolizes what our country's great leaders have taught for two centuries: Seek peace from a position of strength.

President George Washington captured its meaning in his first message to Congress in 1789: "To be prepared for war is one of the most effectual means of preserving peace."

Defense systems that are strong enough to win, awesome enough to deter, are manifestations of the Great Seal's symbolism. By their very presence, they are an expression of national will.

MCDONNELL DOUGLAS

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We the People...

Chairman, Americanism Commission

THE AMERICAN LEGION

June 13, 1987

In this special issue of The American Legion Magazine, we commemorate the U.S. Constitution and its authors by examining in print and picture the historical events that contributed to this nation's birth.

For the past two centuries historians have regarded the Constitution of the United States — the world's oldest written instrument of national government — as the greatest document created by man.

History tells us that of the 39 signers of the Constitution, 23 were veterans of the War for Independence. These volunteers fought under George Washington, many of them forced to furnish their own clothing, rifles and gunpowder. The terrible conditions they suffered proved the need for a constitution and something stronger than the Articles of Confederation. Washington and many of his men were later guided in their decisions by what they experienced during the bloody battles of the Revolutionary War.

No less can be said of the veterans of our time who have been molded by their own horrible experiences of war. It is in the dark hours of war, self-doubt and self-deprivation that we take refuge in the teaching and guidance granted us in this unique guide to freedom.

You will not find the freedoms and obligations inherent in our Constitution more honored and appreciated than in the hearts and homes of another group of veterans — the men and women of The American Legion and the American Legion Auxiliary.

During this bicentennial year, who can blame us if we all stand a little straighter when the National Anthem is played, or if the goose bumps are somehow bigger when Old Glory parades by, rippling in the breeze. And who would deny us the rush of patriotism and pride when someone speaks highly of America's generous contributions to mankind. Although a pat on the back is not what we seek, it's nice to know that others realize we willingly carry the heavy burden of freedom for the world.

During this 200th anniversary of the U.S. Constitution, let us proclaim our triumph. No longer are we the "Grand Experiment." Now we celebrate two centuries of navigating uncharted waters, exploring new ground and always trying to do more because we are truly free.

Robert S. Turner

COLD, ME? NEVER!

It's 10° outside...Even getting colder. So you bundle up in layers of heavy clothes. First with long underwear ...then lots of bulky outerwear.



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MY MOST PRECIOUS FREEDOM

The freedoms we enjoy in America are envied by many people throughout the world. Here are some freedoms our readers cherish most.

RELIGION

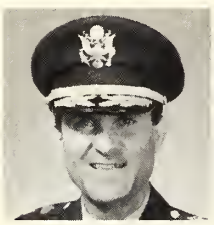


The practice of my religion is essential toward the preservation of my heritage. It is the essence of my culture, and the foundation of my family and its unity.

I realize that along with my right to worship as I choose, is the equal responsibility for me to consider the rights of those whose religious views are different than mine. Learning to be tolerant of others, and to appreciate the contribution made to our society by all of our people, remains uppermost in my mind and clearly reflects the true spirit of our Constitution.

My life has been immeasurably enriched by my association with those of dissimilar religions and beliefs. Also, my experiences deduce that should discord arise, the more moderate and reasonable understanding of the truth will eventually emerge, and that rationalism will help to keep us free.

Frederick Francis Biggins
Willingboro, N.J.



In the freedom documents of our nation are found a deep belief and faith in God. This earliest spark of religious liberty now flares across our land like a torch.

I will never achieve perfection this side of heaven. But my faith, nurtured by this freedom's song, is based on promises of hope, not of despair.

Freedom of religion helps me to understand myself and those around me. It provides the wisdom to make intelligent decisions and to set meaningful goals for myself in this society. This American freedom is priceless. It's God's gift to me. What I do with it is my gift to God. It opens the door, fans the flames of hope and achievement, and encourages me to move into the future with confidence.

Robert B. Robeson
Lincoln, Neb.

SPEECH

Freedom of expression in which we exchange opinions is the most precious of all freedoms.

In public meetings and through the news media, Americans keep in touch with each other, creating an awareness of whether or not their society is performing to their liking.

An open society has a better chance of remaining free as long as people continue to inform and educate themselves about what has an influence on the freedoms they enjoy.

Tom MacCallum
Cheraw, S.C.



Without freedom of speech I cannot practice my religion freely, nor can I express my social and political beliefs; it is the foundation of all the enumerated rights in our Constitution.

Without free speech I cannot read balanced news, see what candidates are stating, nor express my own opinions about politics. The right to vote is essentially meaningless without free speech.

Other countries grant—on paper at least—freedom to worship; but, without free speech, I do not have the freedom to worship, to write about my beliefs, to read publications dealing with religion, or to speak out freely from a moral point of view. The right to worship is not worth the paper upon which it is written, without free speech.

All the freedoms to live life fully—everything—is founded on the right to free speech. Without that freedom to write letters to the editor, to speak out in public, to disagree with my neighbor's opinion—without this fundamental right—I am nothing.

Marion J. Durham
Tempe, Ariz.

As an American, I am free to express my ideas, thoughts and feelings without fear of arrest, trial, exile to a prison camp or death. I can freely speak my thoughts and opinions on government, religion, business or on any area.

I know that free speech extends to the media and I know that the news given me is done so without intervention or direction or censorship. Control of the media and censorship of speech and ideas are the first steps taken in control of the people and their government.

Charles Von Holt
Whiting, N.J.

VOTE



I'm glad I am an American because I am free and my most precious freedom is the right to vote. I carry out my responsibility by voting in all city, county, state and national elections; and because the voting is secret, I can express my own opinion without fear of intimidation from any person or group.

If government is to respect the rights of the people, it must be responsible to the people; therefore, the people must be able to call their representatives to account. One way of doing that is by elections at frequent intervals.

Raymond M. Clements
Macon, Ga.

PRESS



"A free press can of course be good or bad, but, most certainly, without freedom it will never be anything but bad," wrote Albert Camus. "Freedom is nothing else but a chance to be better. . . ." For the past five years, I have been a free-lance book critic, reviewing fiction and non-fiction for various publications nationwide. As a

HOLD ON TO THE PROMISE.



Courtesy of the United States Capitol Art Collection.

Two hundred years ago our Constitution was born. With it, the promise that "We the People" could live in freedom as one nation. Our Constitution also gave us the right to coin our own money.

To capture the spirit of that precious promise, United States Constitution Coins have been created by an Act of Congress, and are officially struck by the United States Mint in a strictly limited edition.



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United States Constitution Coins are legal tender, available in flawless proof quality. Both the silver and gold coins are available individually, encapsulated, and handsomely displayed in their own rich blue presentation case. The silver and gold coins are also available in an impressive set, beautifully presented in the rich blue presentation case.

The United States Constitution Silver Dollar. Minted in .900 fine silver. Symbols of the Constitution include a sheaf of parchment and a quill pen on the obverse with the inscription, "We the People." And a cross-section of Americans in a dramatic parade throughout history on the reverse. The coin contains 0.76 troy ounces of pure silver.



The United States Constitution Five Dollar Gold Coin. Minted in .900 fine gold. A dramatic American eagle, holding a quill pen, is on the obverse. The reverse features the quill with the inscription, "We the People." The coin contains 0.24 troy ounces of pure gold.

Now and forever. Hold on to the promise with these coins as its symbol.

United States Constitution Coins are available at banks, savings and loans, K mart, Montgomery Ward, Sears and Service Merchandise.

United States Constitution Coins are priced at $28 for the individual silver coin and $250* for the gold and silver two-coin set.

UNITED STATES CONSTITUTION COINS

journalist, I treasure the knowledge that the American press will never be relegated to mediocrity by government-imposed censorship, and that none of my colleagues face official persecution for writing controversial material. As a critic, I value the right to uninhibitedly express my opinions in print, however scathing or provocative those opinions might be. I must substantiate my views as thoroughly and convincingly as possible, yet I need not adhere to any dictates except those of my conscience and intellect.

As all journalists realize, the freedom to write without interference ensures open-minded, vigorous coverage of everything in the public domain. This is the essential freedom that nourishes my profession and the mind of every American who reads newspapers or magazines. Freedom of the press isn't merely a "chance to be better" — it is a necessity.

Judy Bass
Stoughton, Mass.



"The free press is the mother of all our liberties . . .". I wish I had said that, but those are words of (the late) Adlai Stevenson.

A free press works for the people; it represents me in the citadels of power when I can't be there in person, and keeps me informed on issues important to all the people. It roots out and exposes corruption for all to see, and stops this abuse of trust. Through the press I can express my own views of our elected leaders, laudatory or critical, without fear of a knock on my door at midnight by authorities in power.

A free press is power, and that power is ours — the people's!

Harry R. Spohn
North Platte, Neb.

HOPE



It is not written in the ink of our founding fathers, but alongside those simple words of freedom of speech and the press, the right to worship and petition, and the right to vote and assemble, lies their lofty expectations. In searching for the most precious of these liberties, we need some reflections and a higher grasp.

If you abridge my speech, I continue silently. If you deny my press, I address in secret. Put me in irons, I harbor escape. Take away my God, my heart will build a temple, but destroy my hope, and I surely wither.

It is not in the storied lines of parliamentary phrase, but hope is indeed implied, and very present in this remarkable document. It was the hope of those uncommon men to build a more perfect union in 1787. It is that same



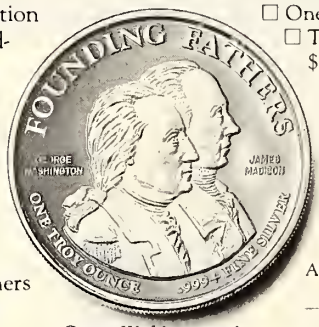
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"We fought to defend the Constitution."

Celebrate the Constitution Bicentennial with a handsome, limited edition commemorative.

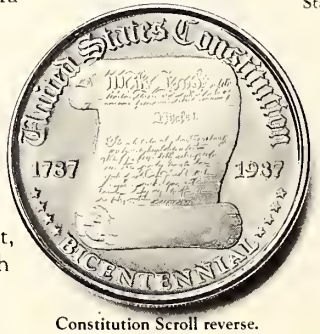
Each commemorative is one troy ounce of .999+ pure silver, which has traditionally been one of America's finest investments. A frosted image of the founding fathers is featured on a stunning mirrored background.

And, your commemorative is proudly displayed in a beautiful velvet case.

To order your United States Constitution Founding Fathers Commemorative, call toll-free 1-800-345-6468. Or mail the order form with payment to: Liberty Mint, P.O. Box 622, Provo, Utah 84603. Order today and receive a free copy of the Constitution.



George Washington and James Madison obverse.



Constitution Scroll reverse. Shown actual size.

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Join in a Tribute to One of America's Greatest Ships



- Limited edition
- By acclaimed marine artist Tom Freeman, A.S.M.A.
- Decorative 23K gold border
- Actual size: 9¼"

U.S.S. CONSTITUTION

She is docked today in her home port of Boston, very near the site where she was christened in 1797, just 10 years after the signing of our Constitution. She is one of America's greatest and most honored sailing ships—the historic *U.S.S. Constitution.*

Now, in commemoration of the 200th anniversary of the signing of America's Constitution, The Hamilton Collection has commissioned the creation of a stunning collector plate to honor the ship that has become a symbol of the enduring American spirit. Created by renowned marine artist Tom Freeman, this masterful tribute captures the power, beauty, and speed of this classic sailing ship on fine, shimmering porcelain.

The *U.S.S. Constitution* is depicted passing the Rock of Gibraltar as she sails to her first major victory, in the Tripolitan Wars of 1804, with the Stars and Stripes flapping proudly in the wind.

Tom Freeman's "U.S.S. Constitution" gains added significance because it marks the **collector plate debut** of an artist whose original paintings sell for as high as $15,000. A member of the prestigious American Society of Marine Artists, Tom Freeman creates art that is acclaimed for its brilliance, dramatic style, and attention to detail—the very qualities which have the potential to make "U.S.S. Constitution" one of the most sought after collector plates in recent history.

"U.S.S. Constitution" premieres an important collection of eight plates entitled *America's Greatest Sailing Ships.* Each issue will feature a Tom Freeman original work, framed with a decorative 23K gold border, honoring one of America's classic ships from the "Age of Sail." Each plate will be hand-numbered on its reverse and accompanied by a same-numbered Certificate of Authenticity, attesting to its place within the edition of a total of 14 firing days.

As an owner of "U.S.S. Constitution," you will have the right—**but never the obligation**—to acquire all subsequent plates at the guaranteed price of just $29.50 each. Furthermore, you may acquire "U.S.S. Constitution" and every plate in the collection at absolutely **no risk.** The Hamilton Collection **100% Buy-Back Guarantee** assures that you may return any plate for a full, unquestioned refund within 30 days of receipt.

Considering the significance of this premiere—and, with the Constitution's Bicentennial celebration adding to the demand, it is important that you respond **promptly.** Applications will be processed in order of receipt, so send in yours **today!**

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Respond by:
September 30, 1987

Limit: Two plates per collector

Please accept my application for "U.S.S. Constitution." I wish to purchase ____ (1 or 2) at $29.50 (plus $2.14 shipping and handling) each, for a total of $_____ ($31.64* or $63.28*).

Check one:

☐ Check or money order enclosed.

☐ Charge my credit card: ☐ Visa ☐ MasterCard ☐ American Express

Acct. No. _____

Exp. Date _____ 003164/006328 26401 CR

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Name _____

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Signature _____

***FL residents add $1.59 and IL residents add $2.22 per plate for tax.** *All applications must be signed and are subject to acceptance. Allow 6 – 8 weeks from date of application for shipment. Deliveries made only to the U.S. and its territories.*

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Jacksonville, FL 32231

hope today that tests against the forces of tyranny and gives the enslaved the hope of its promise.

Peter Yurica
Tilaran, Costa Rica

OPPORTUNITY



It's much more than the ritual of hoisting Old Glory on special days and standing when I hear the sacred notes of the Star Spangled Banner. It's the feelings stirred from deep inside me and the glistening tears in my eyes that express my heartfelt thanks for freedom; a gratitude that is due to the millions of Americans who freely gave their lives to preserve the freedom I experience today.

This freedom allows me to dream and aspire to become all that I ever hope to be. I'm limited only by my own ambition and imagination. I am free to decide my own future, my own destiny. For this I am most grateful to those who fought to keep this freedom not only for me, but also for all Americans. I feel a special gratitude to my father, a Korean War veteran, who has taught me to treasure precious freedom, and who encourages me to express this freedom by reaching for all of my goals.

Joyce Redifer Kantner
Pleasant Gap, Pa.

TO ASK WHY



What freedom is the basis for all other freedoms? What freedom was taught by Socrates and was codified by the Constitution? What freedom is more central to our civilization than the freedom to question, otherwise known as the freedom of inquiry, the freedom of examination and the freedom of curiosity?

What other freedom challenges each of us to find his own strengths and his own weaknesses? What other freedom leads us to science, to religion, and to truth? And what other freedom shows us the responsibilities of our freedom and of our political power?

Are not our freedoms of speech, assembly, religion, and the press other forms of exercising our freedom to question?

What freedom is more important than this?

Stephen A. Hill
East Palestine, Ohio

ASSEMBLY



The freedom I cherish most is the right to meet, associate and plan programs to help other Americans. There is fellowship and spirit that is fostered when groups meet for the purpose of assisting others.

There can be no greater way to develop one's own talents than to enjoy the right to assemble to help others and engage in activities together in love and devotion to our fellow men and women.

There would be no exchange of ideas without the freedom of assembly.

Thelma Pugh
Houston, Tex.

TO THINK



The freedom to think, to judge, to balance and weigh alternatives, to determine degrees of good and evil—this freedom lies at the root of democracy. It exists in our governmental structure, our economic policies, our court systems and our educational systems.

The freedom to think encourages people to be people, and that is essentially the democratic philosophy. Yet, in a modern democracy, this freedom is rarely recognized or celebrated.

The freedom to think frees us from the tyranny of ignorance. The freedom to think freely, uninhibited by law, dogma or government, allows us to understand what freedom is. The freedom to think frees us to freely be who we are: free-thinking Americans.

K.O. Bland
Point Lookout, Mo.

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FEAR

Freedom from fear has been most precious to me. Without fear I can exercise my rights and duties as a free American citizen. Without fear I can vote for people I want to work for the good of this country. Without fear I can provide for myself and my loved ones. Without fear I can openly worship as I choose, while knowing that others with different beliefs also share that freedom from fear.

Without fear I can support a strong national defense, knowing that America's power exists to protect our people, not to corrupt or enslave as in some lands ruled by the military. Without fear I can speak or write as a free American, those ideas, those thoughts that are mine, rather than only those approved by an all-knowing government.

Richard G. Tryon
Greenbelt, Md.

TO READ



My most precious freedom is the opportunity to choose by purchase or by borrowing—without fear of political reprisal—any publication, be it book, magazine or newspaper, that I care to read. This freedom allows me to expand my knowledge and grasp of the world as a dynamic and impressive, yet fickle and dangerous, place.

Though many publications are trash and a waste of print and paper, I have the freedom to choose not to read those. I enjoy publications that teach as well as those that provide hearty entertainment. I enjoy those that explain and provoke so I develop as a human being through discourse and expression.

The freedom to read what one deems fit is an American truism that has no reality in many parts of the world. It is this freedom, precious indeed, that makes America informed and enlightened—that makes us confident as a people and as individuals.

Peter E. Matiash
Waunakee, Wis.

CHOICE

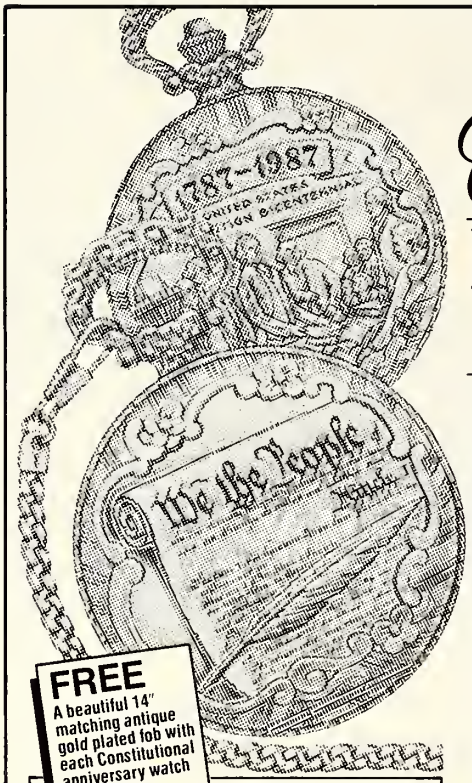


Individual choice gives me the freedom to be myself, to succeed or fail, conform or be different, invent or dream, travel anywhere at anytime, attend the church of my choice, use the telephone, answer the door bell when I choose . . . it's my choice.

To praise or criticize, agree or disagree with elected officials, stand alone or with the crowd, let my voice be heard or be mute . . . it's my choice.

To read or watch television, understand and interpret, own property or rent, drive my car or take a bus, be a volunteer or let "George" do it, love peace because I know the price of war . . . it's my choice.

To get misty-eyed when Old Glory



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A beautiful 14" matching antique gold plated fob with each Constitutional anniversary watch ordered.

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United States Constitution
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The brilliant heavy antique gold layered case, designed by master die makers, has been struck in deep relief highlighting the symbols of our great heritage. The front and back are embossed with reminders of this great event. The feathered quill inscribing "We the people...," forever signifies this special watch as the genuine — LIMITED EDITION — 200 year Constitutional Commemorative pocket watch.

Registered in your name. A serially numbered certificate of authenticity accompanies each watch. Your name, as original purchaser, will be permanently registered in the Archives of the Constitution Commemorative Guild. This certificate and registry is your proof of the authenticity of this Commemorative Pocket Watch.

Owning this commemorative watch is like owning a part of history. It gives you a sense of pride in being a citizen of this great country. Handing this heirloom down, you continue the tradition of "Pride of Country" and strengthen our Constitutional way of government. But...none of this happens unless you take quill in hand and order now!

Order early for coveted lowest serial number. All serious collectors know that the earliest of limited editions are the most valuable.

Absolute limited edition. To preserve the uniqueness and integrity of this timepiece, at the end of the celebration period, all dies will be destroyed. This edition will be closed forever.

A guarantee as strong as our constitution. If at any time or for any reason within 2 full years you are dissatisfied with your purchase, you may return your pocket watch to the Guild and it will repurchase it at the original purchase price you paid. (The Guild cannot refund any increase in value.)

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Celebrate our 200 years of Freedom with this limited edition
U.S. CONSTITUTION COMMEMORATIVE BUCKLE!





INDIVIDUALLY NUMBERED LIMITED EDITION

As you'd expect of a true Limited Edition, each Commemorative Buckle will be individually numbered as orders are received. (For collectors, lower numbers are considered more valuable, so early response is important!) To increase the potential collector value of your Buckle(s), the original dies will be destroyed at the end of the Centennial Year, so no additional Buckles will ever be made!

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Now, when our American traditions are being challenged as never before, it's more important than ever to display your patriotism proudly! But remember that this historic opportunity will be made only during our commemorative celebration year. So order this magnificent collector's item now with our money-back guarantee: If you're not 100% delighted, simply return it within 15 days and owe nothing!



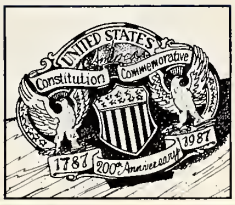
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B		2 Buckles	$34.90	$4.50
C		3 Buckles	$49.85	$4.95

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Illinois residents will be charged applicable sales taxes.

passes by, to feel pride in America's strength, to be determined to help America grow and prosper, feel the love and enthusiasm that keeps people working together for a greater America... it's my choice.

Individual choice requires responsibility and devotion to country. To take the stewardship of our tremendous heritage, to become the temporary custodian over our legacy and to keep the founding ideals alive for future generations... those are individual choices that every American must make.

Ruby Paul
Omaha, Neb.

I have used this freedom, not in panoramic sweeps, but in building a rainbow. I was a liberated woman long before feminine independence was popular. A Great Depression child born to a tent-living, illiterate family, I went to college when I should not have dared to dream. I made career changes in a stay-put era, and in my mid-50s, I adopted a new lifestyle alone and 1,500 miles from my nearest friend. I have been unhampered by any stereotyped role or by the conditions of my birth. I rang freedom's bell and the song was sweet; the score was already written for me; I provided only the action. I shall always cherish the right to enjoy the rewards and to accept the consequences of my own decisions.

Donna Lee Sawyer
Tucson, Ariz.



My freedom is the privilege of doing what I want, when I want, without being required to account to anyone for my actions, so long as I don't infringe on the rights of other people.

I can travel wherever I wish without being obliged to carry a permit and show it to policemen along the way.

I can do whatever kind of work I wish. I am not regimented into employment selected for me by my government because it wants my services in that sphere.

I can read whatever newspapers and literature there are, without fear that they will be seized and destroyed and that I will be punished if their messages are not in accord with the thinking of government leaders.

I can speak out to people, telling them what I believe is right; I can do this without fear that I shall be imposed upon for so doing, whether that means imprisonment, physical violence or other drastic punishment.

I can worship the God of my choosing, doing so openly, if I wish, without fear of recrimination.

Leo Murin
Yorktown Heights, N.Y.

DUE PROCESS



Though we have many freedoms outlined in the Bill of Rights and subsequent amendments, I feel they can be guaranteed only by the application of due process of law and equal protection under the law.

This guarantee prevents our government from encroaching upon and usurping the rights of any person or group, and prohibits those in authority from acting in an arbitrary, capricious and unreasonable manner.

Due process of law is our most precious freedom because it has become the cornerstone upon which all our freedoms rest.

Mike Stachowski
Centralia, Ill.

TRAVEL



Freedom to travel to other parts of this country and to other areas of the world enables us to see firsthand the strengths and weaknesses of our society and other societies. Awareness of these strengths and weaknesses helps us perceive more clearly the value of all our freedoms and the importance of protecting them.

Franklin W. Jesser
Rocklin, Calif.

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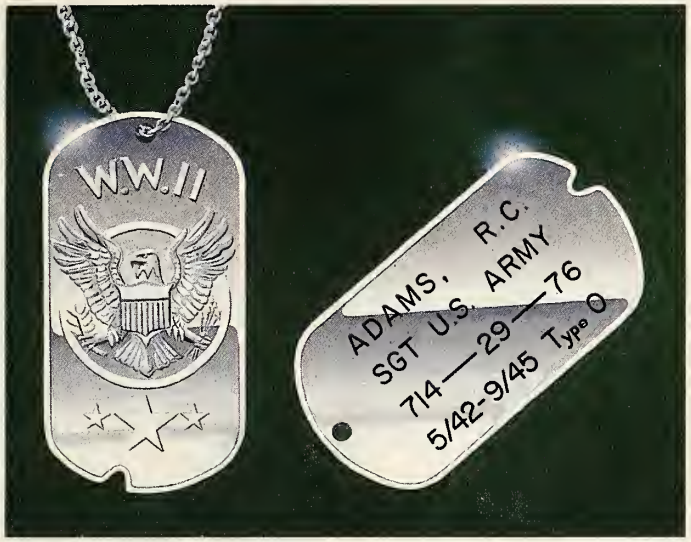
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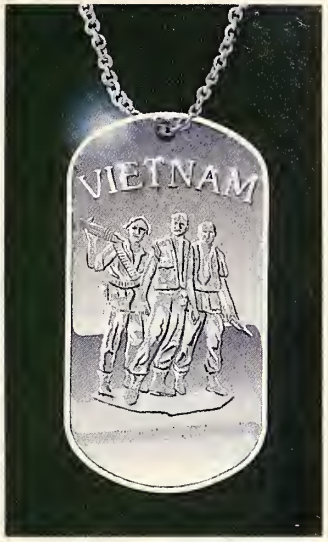
U.S. ARMED FORCES VETERAN'S DOG TAGS



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WORLD WAR II

The American Eagle depicted on the World war II dog tag was created by Frank Gasparro, Chief engraver of the U.S. Mint (ret.). Gasparro is world-renowned for his designs of the Kennedy half dollar, the Eisenhower and Anthony dollars and the Lincoln Memorial cent. His works are held in such high esteem, they are on permanent display at Smithsonian Institution.

Fifteen percent of the purchase price on each World War II dog tag ordered has been designated for use by the Veterans Administration General Post Fund...for the exclusive needs of individual veterans in V.A. hospitals.

KOREA

The eagle in flight was created by Frank Gasparro. During his tenure at the U.S. Mint, which spanned from Roosevelt to Reagan, Gasparro was called upon to design countless military awards, including the Congressional medal honoring General Douglas MacArthur.

Fifteen percent of the purchase price on each Korean War veterans' dog tag will be presented to the International Korean War Memorial Fund. The fund has commissioned noted sculptor, Felix De Weldon, designer of the Iwo Jima Monument in Washington, D.C., to create a memorial honoring the U.S. and U.N. Forces who fought in Korea.

VIETNAM

The image depicted on the Vietnam veterans' dog tag was created by Frederick Hart, designer of the national Vietnam Veterans Memorial in Washington, D.C. Hart has painstakingly reproduced the three servicemen in flawless detail. The dog tag will evoke endless admiration from all who see it.

A portion of the purchase price on each Vietnam veterans' dog tag ordered will be used by the Vietnam Veterans Memorial Fund to help preserve and maintain the sculpture and the sacred Wall that lists names of those who gave their lives in Southeast Asia.

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SHOULD WE HOLD A CONSTITUTIONAL CONVENTION?

Sen. Jesse Helms, R-N.C.



YES

With carefully specified limitations. I quickly add that if Congress could otherwise be persuaded by the people to act responsibly, and if the U.S. Supreme Court had not spent the past two or three decades assuming the role of legislators and abusing its powers, the subject of a Constitutional Convention would never have come up, and we wouldn't have to worry.

This seems precisely what James Madison foresaw in *Federalist No. 43* when he wrote that the purpose of permitting future constitutional conventions was to encourage "state governments to originate the amendment of errors as they may be pointed out by experience."

Clearly, Madison neither proposed nor paved the way for future conventions to destroy what I believe to be the most noble document ever produced by the minds of man.

Two basic political trends have been at work in our country. One trend leans toward expansion of voting rights and increased participation in the political process. In the main, this has been both beneficial and just. Unfortunately, it has been accompanied by a second trend, which poses great danger — the erosion of individual liberty and national independence.

I am convinced that, in virtually every instance, the erosion of individual and national freedoms can be traced to one potentially fatal, structural flaw in the Constitution. That flaw is the constitutional provision for lifetime tenure of unelected federal judges.

The federal judiciary is never subjected, even indirectly, to the will of the people. Thus, federal judges have increasingly assumed the role of master and discarded the role of servant. The result has been a perversion of the Constitution.

Many thoughtful and well-intentioned people oppose a Constitutional Convention even though they share my alarm at the damage federal judges have done to our fundamental law. They fear, with some justification, that a Constitutional Convention could be highjacked by a left-wing minority that enjoys disproportionate political power because of its access to the elitist elements that control the national news media.

Yes, there may be risk. But there was risk in 1776. Moreover, we have a clear method of limiting our risks.

Under the circumstance, it's well worth the risk. □

Sen. Patrick J. Leahy, D-Vt.



NO

The Constitution of the United States, a remarkable document that has guided this nation for 200 years, is a lasting tribute to the genius of our founding fathers.

I get nervous when politicians and bureaucrats think they can improve on it — because a second Constitutional Convention poses an enormous risk to our liberties and values.

No matter what proponents of such a convention say to allay our fears, once assembled, such a convention would be able to take on any issue it wants and consider any proposal. Every one of our cherished liberties would be up for grabs.

Nothing — not even our First Amendment rights of freedom of speech and freedom of religion, not our rights against search and seizure — none of the rights in our Constitution would be off limits. They would all be subject to revision. And I fear that rights we take for granted could be among the first to go.

I believe that proponents of a second Constitutional Convention are well-intended. But I am concerned there is no way to limit the scope of a convention once it convenes.

If the "establishment clause" of the First Amendment goes on the trading block, the Second Amendment's "right to keep and bear arms" is sure to follow. Who will speak for those who think these provisions should stay just the way they are?

Sure, we can find sections of the Constitution we feel should be written a little differently. And we can find Supreme Court decisions we don't particularly like.

Fortunately, our system permits change only through an exacting process in which a great majority concludes that change is necessary.

It is a careful, cautious, difficult process deliberately made so by some very wise people named Jefferson, Franklin, Washington, Adams — names we hold synonymous with wisdom and liberty.

I was born, raised and now represent a state that is down to earth about the basic freedoms we enjoy in this country. "If it ain't broke, don't fix it," is almost a motto in our state.

The Constitution, now in its 200th year, will survive this latest attack. Especially if the folks so keen on holding a second Constitutional Convention would sit down and read it again. □

YOUR OPINION COUNTS, TOO

Senators and congressmen are interested in constituent viewpoints. You may express your views by writing The Honorable (name), U.S. Senate, Washington, D.C. 20510, or The Honorable (name), U.S. House of Representatives, Washington, D.C. 20515.

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Two New States Coming?

Congress is under pressure to create a 51st state out of the District of Columbia, established in 1800 as the seat of U.S. government.

The D.C. statehood thrust is an old idea. What is new is that proponents are trying to attain statehood by a simple vote on Capitol Hill, even though the proposition was rejected when submitted as a constitutional amendment.

The administration opposes statehood on constitutional grounds. If the proposal does squeak through, the constitutional issue is sure to go to the U.S. Supreme Court.

If not D.C., is Puerto Rico to become our next state?

Senate Republican support has emerged for full statehood for the Caribbean commonwealth, now having a special autonomous relationship with the United States.

The commonwealth's governing party is against statehood and prefers its commonwealth status, under which the Puerto Ricans do not have the full U.S. electoral franchise, but neither do they have to pay federal taxes. Puerto Rico elects a non-voting commissioner to Congress.

If the D.C. statehood push by the Democrats could be paired with the island statehood move by the Republicans, a deal is perhaps possible. GOP-minded Hawaii and Democratic-leaning Alaska were both brought in as states in 1958.

Passing The Buck

Is it constitutional when Congress tells the President to set the pay scale for both Houses so Congress can avoid the embarrassment of giving itself a raise?

Soon after the current Congress met, the White House recommended a $12,100 wage increase — to $89,500 a year — for the legislators. Congress had 30 days to reject the raise. Both chambers did so, but one day too late and the raise went into effect. Critics claim the legislators voted late so they could argue that they voted against the increase. Many legislators already have returned the extra pay, but their efforts to have Congress repeal the raise have been futile.

Consequently, a group of House members has gone to federal court to challenge the raise on the grounds that Congress gave up the right to set its own pay scale, and that in this case passing the buck was unconstitutional.

Who's Got The Power?

The struggle between the federal government and the states over jurisdiction has been a running battle ever since delegates to the Constitutional Convention met in Philadelphia 200 years ago.

The states, especially in the West, fought adoption of the 55-mph speed limit required by Congress. Congress later relented to permit higher speeds in rural areas.

Western states also rebelled against the congressionally imposed restriction to raise the drinking age to 21. South Dakota took its opposition to the U.S. Supreme Court and lost only recently. At last count, only Wyoming still was holding out.

Washington had one powerful argument to bolster its position on the drinking issue: states that refused to go along would lose federal highway construction funds. Few, if any, states can afford to give up that financial incentive.

Death Penalty For Spies

Some congressmen believe that Americans who spy on their own country on behalf of foreign nations should be given the treatment they deserve — capital punishment.

Senate Majority Leader Robert C. Byrd said that, notwithstanding the national reluctance to use the death penalty, more can be done to curb the "espionage epidemic" that has spread across the country in recent months. Byrd introduced legislation that spells out "constitutional" safeguards for applying capital punishment in certain cases of spying by native Americans.

"I am convinced . . ." Byrd told the Senate, "that capital punishment could stop many who contemplate betraying their country."

What Does It Mean?

A permanent legacy for Americans may come to fruition if Congress okays a National Center for the U.S. Constitution that would disseminate information about the nation's basic governing document.

The center, slated for a site in Philadelphia where the original document was debated, written and signed, would create programs and exhibits to embrace the entire nation.

Although the nation is celebrating the bicentennial of the Constitution, many Americans know little about it. For example, according to a recent national poll, six out of 10 citizens did not know the first 10 amendments comprise the Bill of Rights. Many citizens also have little knowledge or understanding of the Constitution, and what it means to them.

Taking On The President

Beneath the surface of the Iran-Contra hearings looms a major constitutional issue between Congress and the White House yet to be resolved in the U.S. Supreme Court.

The issue involves the 1983 Boland Amendment, which placed restraints on the President's power to spend funds on the Contras in Nicaragua. Ever since the Constitution was adopted, Congress, with its specific control over the public purse, has been feuding with the White House over the President's power on foreign policy. Whatever else comes out of the hearings, Washington observers are convinced that the highest court of the land will eventually have to settle this fight.

Also, the 1973 War Powers Act, which limits the President's authority as commander in chief, has yet to undergo the crucible of constitutionality in the federal courts. □

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We the People...

THE CONSTITUTION: A LIVING DOCUMENT

The American Legion encourages U.S. students to learn more about the Constitution through its National High School Oratorical Contest. Here are excerpts from winning speeches in 1987.



PHILADELPHIA CONVENTION BUREAU

BIRTHPLACE — *Millions of school children each year visit the assembly room where the Constitution was debated and signed.*

'SOMETHING WORTHY OF CELEBRATION'



MARYAGNES BARBIERI
First Place

IRANGATE, Iranscam, or as one New York newspaper christened it, "Iran-amok," has raised significant questions surrounding the constitutionality of recent events and also serious questions concerning the Constitution itself. A recent *New York Times* editorial concerning the Iran arms scandal stated that "The issue is only secondarily Iran and the Contras. The underlying issue is whether presidential prerogative should supersede the Constitution."

Therefore, we must ask ourselves: Is the Constitution, as a 200-year-old document, still a valid tool for evaluating right and wrong in our internal affairs and foreign relations?

This is an especially important question to ask in 1987, the bicentennial year of the Constitution. As the oldest written constitution in the world, it is clearly a venerable document and a testimony to the determination and deeply felt values of our forefathers.

Still, many things have changed since September of 1787. One compelling example would be the change in the scope and complexity of our foreign affairs: The Middle East, South Africa and Russia were not involved in our policy decisions when the Constitution was written. Another difference between then and now is the way in which war can be waged.

So maybe during this bicentennial year it is time for us to take a closer look at the Constitution and see if it has served us well. □

'THE POWER OF PARTICIPATION'

PERHAPS we, as Americans, tend to take for granted our free press and uncensored news. A case in point is the story of an investigation that compared American cars with Russian cars. America and Russia were the only two countries involved in the study. As it turned out, the American cars were found to be much better than the Russian cars. They won in every category. When the Soviet news agency reported the story, it said, "In a recent international study of automobiles, Soviet cars ranked second. American cars ranked . . . second to last."

While this story may be humorous for many of us, it also serves to remind us of a very serious point. Some people are uninformed because their government keeps them that way. We Americans need only be uninformed if we choose to be. . . .

We have the *Power of Participation*. And in exercising that power, we honor our Constitution in a way that no birthday party could even approach. As we are celebrating the 200th anniversary of the signing of our Constitution, may each of us remember that this document is not merely a relic of revolutionary days.

The Constitution is alive in every informed citizen. The Constitution is alive in every person who casts a vote. *The Power of Participation* is our opportunity to be the kind of citizens that the Constitution intends us to be: informed, responsible and free. □



BARBARA POEPSEL
Second Place

'INHERENT DUTIES OF CITIZENSHIP'



DAVID DROMSKY
Third Place

IT IS THE very essence of patriotism to be truthful and honest, to strive to keep harmony in our native land. Sometimes this means war. Such a thing scares me terribly, but the stakes are worth the potential loss, for it is the freedom of our grandchildren and the security of their liberties that we, by fighting, will ensure.

We fought long and hard for our suffrage, and we have endured hellish internal eruptions to ensure that right to all. But how many people don't exercise that right? More than half. It is also our duty to become more educated and informed about our government, so that we may take part in it and further ensure that it never escapes the hands of those who created it and benefit by it. . . . Along with these responsibilities of patriotism and citizenship come the rewards. An American can say, "I am a part of this organized magnificence, I contribute to its beauty and power, and I am ennobled by the joy it awakens in the hearts of those who see it." Look at all that we have to be proud of. Our flag is dyed in the traditions of heroic exploits, from the Minutemen to the astronauts of the space shuttle who so magnanimously gave their lives that we may eventually conquer space. The list of great thinkers of the world is crowded with Americans, and as we continue our tremendous progress through our youth, doesn't it just make you want to stand up and proudly proclaim, "Yes! I am an American!"? It sure does to me. □

'THE AMERICAN CREED'

RECENT articles in *U.S. News & World Report* reveal that currently over half of all high-school seniors cannot place the Civil War in the correct half-century nor can they identify the landmark Supreme Court decision, *Brown vs. Board of Education*. Without a solid grasp of American history, America's future leaders will lack the knowledge necessary to make competent and wise decisions. As America's citizens, we have a duty to become involved in our children's education; to supplement class time with educational experiences at home; to exhibit honor and respect toward quality educators; and to set an example by becoming well-versed in American history and current events. The philosopher Aristotle once stated, "All who have meditated on the art of governing mankind are convinced that the fate of empires depends on the education of youth." In order to uphold all that the Constitution guarantees and embodies — justice, liberty, equality, self-sufficiency, self-government and God-given rights — we must take the steps as community members to ensure that our fellow citizens and our children have the necessary skills to make a positive contribution to America's future.

The basic building block of those skills is a sound education that provides knowledge and understanding of our government institutions. This is absolutely crucial for the continued prosperity of our republic. □



CHERIE HARDER
Fourth Place

The American Legion CELEBRATES



FEL BARBANTE

PROUD COLORS—*Thousands of school children have received the Constitution coloring book published by The American Legion.*

IN SMALL towns and big cities from coast to coast, blue-cap Legionnaires are playing a big role in the celebration of the bicentennial of the U.S. Constitution.

Many Legion posts have planned activities, ranging from parades to school visits, as part of the bicentennial of the Constitution. And throughout the nation, Legionnaires are distributing the Legion's pocket-sized edition of both the Constitution and Declaration of Independence. In Sugar Creek, Mo., for example, Conboy-Nichols Post 340 provided the University of Missouri School of Law with enough copies of the booklet for the entire freshman class. The law school dean, Robert Popper, said they would be used in required and elective law courses.

Post 340 also provided 250 copies of the Constitution to each of six area high schools and colleges. "The schools give the booklets to students in American history and political sciences classes," said Post Cmdr. James Robinson.

Many posts are following similar paths in distributing other Legion materials. One of the more popular items is an eight-page coloring book on the Constitution published by The American Legion. More than a quarter-million copies of the book were distributed to posts during the first six months of 1987. And at least one post took the project beyond normal distribution.

Frank Galino Post 130, Grass Valley, Calif., joined forces with the local newspaper to sponsor a coloring contest for students in the school district. The post underwrote the cost of the coloring books while the newspaper provided prizes and awards to the winners. The contest was open to 5,000 students.

Meanwhile, students throughout Missouri were busy writing essays on "What the United States Constitution Means to Me." The Department of Missouri sponsored the contest last spring, and awards and certificates will be presented on Constitution Day, Sept. 17.

As a result of another Legion project, the high drama surrounding the drafting of the Constitution is being replayed on center stage in schools throughout the nation. Twenty-five thousand copies of the one-act play, *The Constitution: Little Short Of Miracle*, were mailed by the Legion to high schools around the country. The play focuses on the behind-the-scenes interplay by the framers of the Constitution. A Legion spokesman said the play has been well-received by audiences.

American Legion programs promoting the bicentennial observance also have reaped praise from the Federal Commission on the Bicentennial of the United States Constitution, a group composed of national leaders and other luminaries. "The Legion's programs have exceptional merit and national significance," said commission staff director Mark Cannon. "These programs have substantial educational and historical value." The endorsement by the commission also grants the Legion permission to use the commission's logo for any of its bicentennial programs.

Developing these and other projects for the bicentennial has been the responsibility of The American Legion Committee on the Bicentennial of the U.S. Constitution. "Whether many Legionnaires realize it or not, they commemorate and celebrate the Constitution every time their posts meet," said committee chairman Robert S. Turner, who also chairs the National Commission on Americanism. "The first precept upon which the Legion was founded is in the Legion preamble—'To uphold and defend the Constitution of the United States.' "

Indeed, that support takes many forms wherever the Legion emblem is displayed. "Legion posts, large and small, are fulfilling their obligation to their communities, states and nation with bicentennial observances," Turner said. "We are paying tribute to what the Constitution means to us all—freedom and responsibility."

Information on the pocket-sized copies of the Constitution and other commemorative items may be obtained by writing to the Americanism Division, The American Legion, Box 1055, Indianapolis, IN 46206. The eight-page coloring book costs $10 per 100, including postage. Parchment copies of the Constitution and Bill of Rights come in tube mailers and cost $3 per set, plus $1.50 for postage and handling. Write Emblem Sales, The American Legion, Box 1055, Indianapolis, IN 46206. □

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Providing For The COMMON DEFENSE



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SUPREME OFFERING — ***The nation has never faced a shortage of patriots willing to risk their lives in defense of the Constitution.***

By John O. Marsh Jr.

IN WORDS familiar to every school child in America, the Preamble of our Constitution states the six purposes for its adoption: *to form a more perfect union; to establish justice; to insure domestic tranquility; to provide for the common defense; to promote the general welfare; and to secure the blessings of liberty to ourselves and our posterity.*

The fourth and sixth of these purposes have very special meaning to those who currently serve or have served in the armed forces of the United States.



John O. Marsh Jr., a recipient of The American Legion Distinguished Service Medal, was appointed Secretary of the Army in 1981.

Providing a common defense and securing the blessings of liberty — challenges that read very much like a mission statement for all the services — are even more inter-related and important in 1987 than they were in 1787.

When the founding fathers met in Philadelphia 200 years ago, the experience of the revolutionary war was a mere six years behind them. To at least 23 of the delegates who signed the Constitution, that experience was real. They had served as soldiers in the Revolutionary Army — 12 with the state militias and 11 in the Continental line. They fought the war, signed the Constitution and forged a new government before going on to distinguished careers. Eleven became members of the Senate, seven became members of the House (one would become speaker), eight served as governors, two were cabinet members, two were ministers to foreign countries, and one would become President of the United States.

We owe much to a handful of people who founded this republic. It is clear they understood the lessons of the past, but were not wedded to them. They possessed vision. In the Scriptures, we are reminded that "where there is no vision, the people perish." Our bicentennial commemoration, therefore, should not stop at a historic remembrance. Rather, it should seek to interpret and understand the Constitution as a mandate for current responsibilities.

Today, providing for the common defense of the republic requires facing an alien threat born just this century — the Soviet Union.

The Soviet threat is backed by a massive and growing power to inflict death and destruction far beyond any realistic self-defense need, and it seeks a stronghold here in our hemisphere.

Nicaragua is being Cubanized; its political parties, press and church are suppressed; its population controlled. Surely the Soviet Union's involvement there must be perceived as a growing threat to the security of our neighbors, yet even modest requests for aid to those supporting freedom in Central America are met with opposition.

The American public must gain a better understanding of the issues affecting our national survival, and Legionnaires can provide leadership in that endeavor. Constancy of purpose, fueled by the support of an informed and active public, is required to bring about the legislation needed to ensure that our interests and the interests of our freedom-loving neighbors are protected.

The importance of our Constitution, together with its amendments, is profound. It began the American experiment, which has shaped world history for two centuries. Its preamble's declaration of purpose will remain prophetic only if we the people remain constantly vigilant. As we move to 2000, we must ask ourselves what historians 200 years from now will say about us. Did we meet the challenges of our time? Did we know enough to care? Did we love enough to serve? Did we risk enough to try? Did we sacrifice enough to prevail? Or, did we fear and therefore fail? Did we quit or never start? Did we dare enough to win?

When differences threatened to force the Constitutional Convention into disarray, Washington charged the delegates with these words:

"Let us raise a standard to which the wise and the honest can repair. The event is in the hands of God."

We must raise that standard today. □

"These Are *NOT*... Sunglasses!"

Nationally Advertised Ambervision™ Super Glasses For Only...

$10?

(Not $59.95)



AMBERVISION™ REVOLUTIONIZES EYEWEAR

As part of an enormous publicity campaign to prove that we have the absolute lowest prices available in the nation, the giant new home shopping club "USA Buyers Network" will offer one million pair of its most expensive vision enhancement glasses — the nationally advertised Ambervision™ Super-Glasses, for the unbelievable "competition-buster" price of just $10 only to those who write to the company address (below) before Midnight, September 30, 1987.

Not $100, Not $59.95 — Incredible Give Away For Only $10!

Similar vision enhancement eyeglasses have been nationally advertised by others in leading media at $59.95 each. In fact, you would think that high-tech vision enhancement Super-Glasses like these would sell for well over $100.00. But during this nationwide publicity campaign, you don't pay $100.00 — or even $59.95. You pay an incredible give away price of just $10! But this offer is for a limited time and only available through THIS nationwide publicity campaign if you respond before the deadline above.

High Technology Disguised As High Fashion

Don't be fooled by the appearance of these glasses! These are not ordinary sunglasses. They may look like high fashion sunglasses (in fact, they are designed after some of the most expensive brand names on the market today — e.g. Porsche™, Carrera™, etc.) — but are actually the latest breakthrough in sunglass technology. Ambervision's™ scientific design filters out blue and ultraviolet portions of the light spectrum that have been proven to be harmful to your eyes. By filtering out these dangerous rays, not only are your eyes protected from damage, but your vision is enhanced to a new level of perceptual eyesight!

A New World Through New Eyes

Just imagine what it would be like to look through glasses that make the world seem sharper, more vibrant, more alive and more cheerful. Slip on a pair of these sleek designer sunglass "look alikes" and you'll notice a marked improvement in your vision. The world will seem so crisp, so clear, that you'll feel as if someone had just given you a new set of eyes. This vision enhancement experience is so incredibly phenomenal that it has been widely publicized by others as a "Vision Breakthrough". You literally "won't believe your eyes!" Thousands of professional golfers, hunters, and skiers have already discovered and reaped the benefits of these indispensable Super-Glasses — now you too can experience the excitement of ENHANCED EYESIGHT!

What About Sunglasses

The unbelievable truth is that ORDINARY sunglasses may be dangerous to your eyes. Everybody knows that your eyes automatically adjust to light. When you wear plain darkened lenses, your pupils open wider to adjust for darkness — but this becomes harmful because your eyes are now letting MORE dangerous UV rays in.

Ambervision™ lenses are gradiated to help shield against overhead light. These glasses are made with one of the finest lens materials available for sunglasses — cast in CR-39™ with UV400 protection, even an optometrist would be impressed! The lightweight frames are designed for ultra comfortable wear and tear and the molded nose rest is designed to rest comfortably on your nose. The hinge design of these frames allows them to be the perfect "one size fits all" eyeglasses. Your "Super-Glasses" even come complete with a luxurious black suede-like protective pouch. No wonder these are the most popular and fastest selling sunglasses ever sold by this giant new home shopping club!

These Ambervision™ Super-Glasses will not be sold to any wholesalers, dealers, or retailers at this price. They are only available through this special publicity campaign for a limited time. There is a limit of two (2) pairs per address at this price, but requests that are mailed early enough (before Sept. 20) may request up to five. Each pair of Super-Glasses is covered by a full one year money back guarantee.

TO ORDER, mail this original publicity ad (no copies or photostats) together with your name and address and $10 for each pair. Add only $3 for FIRST PRIORITY shipping, handling and insurance no matter how many pairs you are requesting. MC & Visa users please supply Account No., Expiration Date and Signature. Allow 60 days for shipment.

Mail to:

USA Buyers Network,
Dept. SG1275,
One American Way,
Roanoke, VA 24016-8001

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USA BUYERS NETWORK

THE CONSTITUTION

END OF THE DIVINE RIGHT OF KINGS

Convention delegates wanted a monarch-free government in which the people inherited the power to rule.

By Warren E. Burger

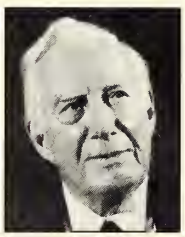
LOOKING back on his experience at the Constitutional Convention, James Madison wrote: *"It is impossible for the man of pious reflection not to perceive in [the creation of the Constitution] a finger of that Almighty Hand which has been so frequently and signally extended to our relief in the critical stages of the revolution."*

George Washington put it more simply: The Constitution, he said, was a "miracle." Jefferson, who was in Paris at that time, later called it the work of "demigods."

What was so miraculous about the Constitution? First, Washington, Madison, Hamilton and others had to overcome tremendous resistance just to get the states to agree to surrender some of their powers. As we know, the 13 colonies were separate, sovereign states after the American Revolution, joined by the *Articles of Confederation* under a treaty of "friendship." The language of the articles reflected the jealousies among the 13 states over their sovereignty. The *Third Article,* for example, reads like a treaty among sovereign nations:

"The said states hereby severally enter into a firm league of friendship with each other...." Imagine, a "firm league of friendship" to carry on the war against a great world power.

The Confederation had no power to



Warren E. Burger, former Chief Justice of the United States, is chairman of the U.S. Commission on the Bicentennial of the Constitution.



BETTMAN ARCHIVE

BORN TO RULE — *George III of Great Britain gave monarchs a bad name in the 1700s.*

levy taxes and limited power to raise armies. This accounted for the terrible privations, the needless deaths from starvation and freezing that Washington's troops suffered at Valley Forge, only a few miles from where the Constitutional Convention later met. Under these conditions, it is a wonder the Revolution was successful and, therefore, that there was any occasion to convene the Constitutional Convention.

The weakness of the Confederation not only dictated Washington's military strategy of trying to keep his ragged armies of amateur, volunteer soldiers on the move, but also helped shape his political philosophy and those of his officers. They came to see that for some purposes a strong central government was imperative.

HAMILTON was a staff officer and John Marshall was a young lieutenant in Washington's army during that frightful winter at Valley Forge. Marshall's views on the need for a strong, central, national authority later found their way into his legal opinions when he became Chief Justice.

Hamilton envisioned that if the payment of taxes by the people and by the states was voluntary, there never would be a true nation. He said what was needed was not the kind of structure that appealed to "the narrow colonial sphere in which we have become accustomed to move," but rather an "enlarged kind suited to the government of an independent nation."

Thus Washington, Madison, Hamilton, Marshall, John Dickinson, James Wilson and many others knew that the loose structure of Confederation, as well as the Continental Congress, was what might be called today a "paper tiger." To continue that structure would not only inhibit development of the new nation and encourage the parochial rivalries and conflicts that had almost led to disaster during the revolution, but would also tempt the great powers to exploit the states' lack of unity.

The final step, convincing the American people of the need for a stronger central government, was no easy task in 1787 and 1788. In the 18th century and, indeed, well into the 19th, many people thought of themselves as Virginians or New Yorkers first and Americans second. The men of Massachusetts Bay, for example, regarded themselves as *allies* of other states. It is said that during the Revolution, when some of the troops from New Jersey were asked to swear allegiance to the United States, the soldiers declined, saying, "New Jersey is our country."

This ambiguity of allegiances is illustrated by another episode that occurred many years later in another critical period of our history. In 1861, after the fall of Fort Sumter and with war seemingly imminent, President Lincoln offered Robert E. Lee command of the Union armies. Lee, then a colonel in the regular Army, loved the Union, was distressed at the idea of the Union's dissolution and hated slavery. But he was so much a product of the age of his father, "Lighthorse" Harry Lee, one of the Washington generals, that he rejected Lincoln's offer.

Lee resigned from the Army and abandoned his beautiful home overlooking the Potomac and the city of Washington, fully aware his property would be confiscated by the government in the event of war. He went to Richmond, 120 miles south to offer his services for the defense of Virginia, not for the support of secession, not for the defense of slavery, not for the dissolution of the Union, but simply for the defense of his native state. This episode has always helped me understand the enormous difficulty in 1787 of leaders

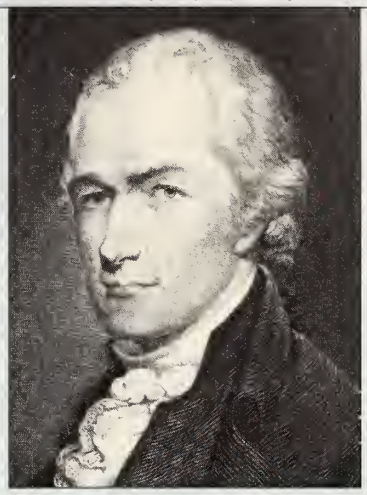
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DOWN WITH THE KING — ***American patriots tear down a statue of George III in New York during the Revolution.***

BETTMAN ARCHIVE



THE SIGNERS



Alexander Hamilton

ALEXANDER Hamilton began life inauspiciously, as an illegitimate child in the West Indies, and died violently, in a duel he did not want with the fiery Aaron Burr. But in his 49 years, Hamilton achieved an enduring influence over America.

In New York, Hamilton was caught up in the unrest leading to the Revolution and turned out eloquent pamphlets to marshal support for it. When the war came, he served brilliantly, first as an aide to Gen. Washington and later as a field commander. After the war, he proposed the Constitutional Convention.

But Hamilton's major contribution was his national economic policies. As the nation's first Secretary of the Treasury, he created a national bank, formulated plans to pay the national debt and applied uncompromising, sound business principles to government operations.

Many leaders of that day believed America's future was tied to the land and supported plans for an agrarian-based economy. Hamilton disagreed. Envisioning America as a great industrial power, he composed his policies accordingly. His insightful vision and initiatives to facilitate the march toward that future are his enduring legacy to America. □

— Vernon Pizer

THE POWER OF

ALTHOUGH IT WAS WRITTEN AS AN AFTERTHOUGHT, THE PREAMBLE PREDICTED THE FUTURE OF THE NATION AS IT IS TODAY.

By Gary Turbak

IT IS the beginning of the beginning, the preamble to the Constitution. School children memorize it. Historians marvel at it. All Americans benefit from it.

On a September afternoon in 1787, five members of the Constitutional Convention—the Committee on Style—retired to give linguistic life to the ideas that had flowed so freely from the minds of the men we now call our founding fathers. The committee also was charged with creating a preamble, an introduction to the Constitution.

Sometime during their four-day deliberation, there spilled from the pen of committee member Gouverneur Morris that famous sentence:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Though it comes first, the preamble was an afterthought, a stylistic flourish that creates no offices, grants no powers. Yet, this single sentence has come to symbolize much of what our nation stands for.

We the people of the United States ... This simple phrase represented a startling departure from the popular notion that the states, not the people, were sanctioning a new order. Anti-federalist Patrick Henry would later lament that the words did not read "We the states..." He and others feared the creation of a national government that might ride rough shod over the states.



Gary Turbak is an award-winning freelance journalist and frequent contributor to this magazine.

There has evolved, of course, a beautiful blend of state and federal power-sharing. The people may speak with one voice, but they do so through their states.

In ways the founding fathers could never have predicted, the collective texture of the American people has undergone a metamorphosis. We are now a kaleidoscope of peoples. From every global corner we have streamed here to savor the sweet taste of freedom. Every race and religion, every culture and heritage have become part of "We the people of the United States."

...in order to form a more perfect union... This was the reason the convention had been called. The Articles of Confederation had proven weak and ineffective. The federal government stood powerless, unable to tax, raise an army or compel the states to act. Regionalism ran rampant. Congress could scarcely conduct business for lack of a quorum. Nine states maintained their own navies. The federation was crumbling.

In the two centuries since the American experiment verged on collapse, the union has made huge strides toward perfection. The war that sought to dissolve it only served to strengthen it. Today, when there is mourning to be done for fallen soldiers, slain Presidents or hero astronauts, we mourn as one. When there's a disease to be cured or a moon to be landed on, we do it together. When long-held hostages gain their freedom, we celebrate not as Texans or Pennsylvanians, but as a nation united. Not in perfect unity perhaps, but certainly in greatness.

...establish justice... It was injustice that had pushed the colonists toward revolution. Against the Americans' wishes, British troops were given access to every home and dinner table. To pay the soldiers, England hit the colonists with stiff new taxes on molasses, newspapers, playing cards and tea. Taxation without representation, said the colonists, is tyranny and an injustice.

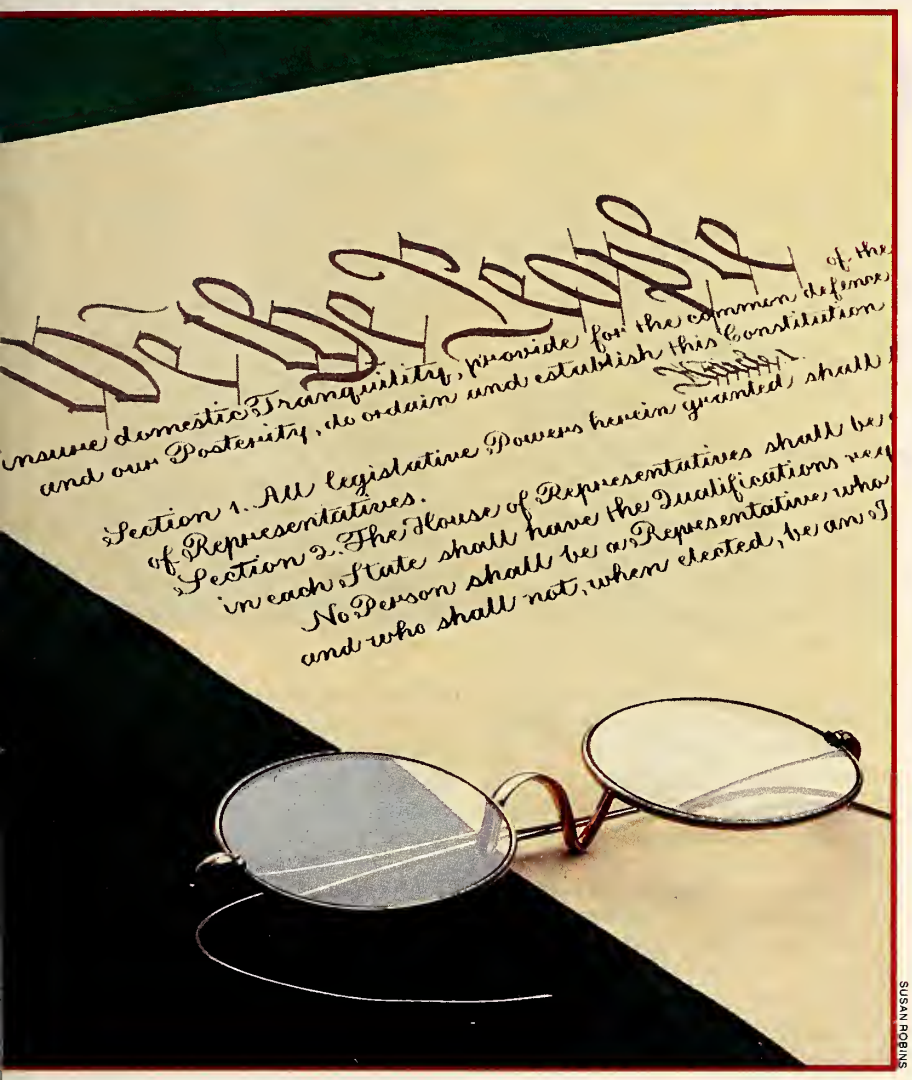
A driving desire for fairness and justice has become an American trademark. Taxes now must come from the people through their elected representatives. Each person has one vote, cast in secret. Citizens are not forced to quarter soldiers. There is not heard the sound of boots in the hall, the midnight rap on the door.

We go to any length, it seems, to see the good rewarded and the wicked punished. Innocence is presumed, and it is considered "better that 10 guilty go free than to have one unjustly imprisoned." Indigent accused are given free counsel. Each man has the same rights as the next. For it to be otherwise would be an injustice.

...insure domestic tranquility... The Revolution's end did not bring harmony to the colonies. States squabbled among themselves at every turn of commerce and social intercourse. Parochial interests overrode the common cause. Boundary disputes erupted. Some states assessed tariffs on goods arriving from outside their borders. Several printed their own money, which was worthless elsewhere. Tranquility was but a dream.

Today, there is order. Across the

THE PREAMBLE



SUSAN ROBINS

land, people live one way of life, not 50. State boundaries are all but invisible. The wheels of commerce sing a single tune as they click smoothly along. Presidents and Congresses come and go, but the heart of the nation never misses a beat.

True, there have been times of unrest: the westward expansion, a civil war, two world wars, racial discrimination. But through it all, the document born that summer in Philadelphia has persevered, has kept the country tranquil.

...provide for the common defense ...Defense was very much in the colonists' minds in 1787. They had just fought a bloody war and knew it could happen again. By themselves, the states might be picked off one-by-one like sniper victims in the night. But together they could be protected. Yes, the defense must be in common. All for one and one for all.

Out of that simple resolve has grown the most powerful nation ever to exist. A fighting force second to none has for 200 years guaranteed that the ideals of the colonial patriots shall have the chance to bloom and prosper. Not a force of might, but a power of right; liberation, not conquest; a force for freedom, not tyranny.

Never before has such obvious military superiority been used as a shield, not as a spear. It continues to be a most remarkable, a most uncommon, common defense.

...promote the general welfare... From the beginning, the needs of individuals have been paramount in America. And because governmental authority springs from the people, an important duty of government is to fulfill those needs.

Great ribbons of highway crisscross the nation for pleasure, travel and trade. Clean water flows into homes. Refuse is carried off. An array of human services stands ready to help those who cannot always help themselves. The elderly are given health care. Free public schools light sparks in young minds. Police protect us from wrongdoers. A multitude of parks provide recreation and scenic wonders that defy belief.

But Americans benefit most from what government does *not* do for them. The framers of the Constitution recognized the invaluable wisdom of free market trade.

It is free enterprise that has given Americans their great wealth. It is freedom that has done the most to promote the general welfare.

...and secure the blessings of liberty to ourselves and our posterity ...The founding fathers knew that the success of their bold experiment hinged on that word "liberty." If that could be the watchword, there was a chance. They knew, too, that all this was a blessing, a gift from God. And they hoped that the Constitution they ordained and established that summer in Philadelphia would last a long time. That it has been accosted and even modified would not surprise them. That it has endured for two centuries might.

The power of the preamble, then, lies in its uncanny forecast of what America would be. And in its longevity. It is indeed an epigram for the ages. □

115 DAYS

HOW THE CONSTITUTION WAS CREATED



With unshakable resolve and spirit of compromise, the finest minds in the union met in Philadelphia and fashioned the Supreme Law of the Land.

By Lester David

Two centuries ago, 55 men from the newly formed "free and independent States" converged on Philadelphia to create the framework for the government of the United States. Here is the intimate story of those momentous months in 1787 when America's charter was written.

HEAVY spring rains had turned the narrow roads leading to the city into treacherous seas of mud, making travel difficult for the delegates. By May 14, which had been scheduled as opening day, only eight — four each from Virginia and Pennsylvania — had arrived at the red-brick State House on Chestnut Street.

Guards ushered them into the 40-foot square room on the east side of the center hall, the same high-ceilinged chamber where the Declaration of Independence was signed 11 years earlier.

It was here, too, that the Constitutional Convention was scheduled to meet and labor to write yet another historic document.



Author of 12 books and hundreds of articles, Lester David specializes in U.S. government and history.

One of the early arrivals, six-foot-four and 220 pounds, towered over the others as they stood chatting informally around the room. This was George Washington, now 55 years old, who had entered the broad courtyard promptly at 10 a.m., driven by carriage from the luxurious home of Robert Morris nearby, where he was a house guest.

Moments later Ben Franklin, 81 and feeble, was borne to the door in a sedan chair, the first one in America and built especially for him. It was carried by four trusty convicts, a perk merited by Franklin, who was then President of Pennsylvania. The evening before, Washington called on Ben, who lived on Market Street, and the two spent several hours over glasses of fine porter, talking about the great event.

Day after day more delegates, weary and mud-splattered, straggled into the city. It was not until May 25 that 29 had arrived to constitute a quorum, and the convention was finally declared open. Eventually, 55 men from 12 states were to attend the sessions. Rhode Island, fearing a conspiracy to overthrow the established government, had flatly refused to participate.

The setting was poignantly familiar to eight who had sat at the same small tables covered by green baize cloth in '76 and had pledged their "lives, their fortunes and their sacred honor" in support of the declaration. This time their mission, and that of the other delegates, was to make certain that the nation born that year would survive.

Actually, they had made the arduous journey not to write a new constitution at all, but to revise the Articles of Confederation, that loosely drawn pact which, in 1781, for the first time bound together the 13 original colonies into the United States of America.

But there was no real nation at all. That realization had become agonizingly clear to Washington, Franklin, James Madison and other great leaders of the struggling young republic. The Articles had created a weak Congress that could not levy taxes, support a war effort, regulate commerce effectively or even settle disputes between quarreling states. Fearful and jealous, each state had insisted on retaining its own sovereignty, freedom and independence.

The result was chaos, which was mounting perilously as the years went on. Many states teetered on the edge of economic disaster, with inflation sky-



PAINTING BY HOWARD CHANDLER CHRISTY, COURTESY OF THE ARCHITECT OF THE CAPITOL

SIGNERS — ***In an hour-long procession, 39 delegates approached the dais to sign the Constitution of the United States.***

rocketing and farmers being thrown into debtors' prisons. Tensions were rising and leaders openly warned that anarchy was close at hand. A constitution, creating a true United States of America, was essential.

That Friday morning, with the quorum finally seated, rain spattered against the tall windows of the council chamber when florid, round-faced Robert Morris, the wealthy "financier of the Revolution," stepped to the dais and nominated Washington as president or chairman of the convention.

> SEVERAL TIMES THE CONVENTION WAS THREATENED WITH COLLAPSE.

The general was startled. Painfully afflicted with rheumatism and still despondent over the recent death of his brother John, he had not felt well enough to attend the gathering, much less lead it. Still, unanimously elected by the delegates, he stepped to the dais and accepted, humbly pleading for forgiveness from the august body for any errors he might commit.

It was, indeed, an elite group he faced from his high-backed chair. They were lawyers, bankers, scholars and writers. Seven were governors of their states, three-fourths were members of the Continental Congress and 30 had seen combat in the Revolution.

It was, moreoever, a remarkably youthful gathering. Short James Madison of Virginia, — "No bigger than half a cake of soap," one delegate said — was only 36, while the slim, good-looking Rufus King of Massachusetts was four years younger. Alexander Hamilton of New York, a slender man with a long curved nose, was 32, while the youngest was 26-year-old Jonathan Dayton of New Jersey.

That day the delegates agreed that each state would have one vote and that all discussions should be conducted

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THE DOCUMENT



Where Is It Today?

THE document had a far less dramatic existence than the Declaration of Independence, which had no permanent home for more than a century and was subject to much physical abuse. In 1796, both parchments, in the custody of the Department of State, were taken to New York, Philadelphia and Washington as the nation's capital was moved to those cities.

Just before the British attack on Washington in 1814, they were transported to Leesburg, Va., for safekeeping, but at this point they were separated. The Declaration traveled to city after city, but the Constitution remained in Washington at the State Department.

In 1921, President Warren G. Harding ordered that the Constitution and Bill of Rights be remanded to the Library of Congress, where they were put on permanent exhibition on Feb. 24, 1924.

In 1941, they were secretly moved to the bullion room at Fort Knox for safekeeping, remaining until 1944 when they were returned to the Library of Congress. Finally, on Dec. 13, 1952, encased in helium-filled frames, they were taken to the National Archives Building in Washington.

Two pages are on permanent display and the other two are shown once a year on Sept. 17, Constitution Day. □

A Miracle Of INTEGRITY

By Ernest Cuneo

THE U.S. Constitution has been called a political miracle, but the true miracle was in the unparalleled integrity of the men who created it.

The Articles of Confederation created only a union of free and sovereign little countries with no common citizenship, bound in a governing body where each state had one vote. Thus, the Constitution created more than a federal government: It created the American people.

The determining factor in the drama — whether there actually would be a United States — was the personal integrity of a very few, dedicated, fearless men who bitterly opposed each other as a matter of conscience.

Yet, even as these men prepared to convene the Constitutional Convention in 1787, imminent danger loomed largely in the background. Two powerful empires crouched at the borders ready to pounce upon the colonies if they failed to stem the rapid disintegration of their defensive alliance. Great Britain, heavily based in Canada, controlled the Great Lakes by a string of forts. The Spanish Crown ruled all territory west of the Mississippi from Oregon to Argentina, Portugese Brazil excepted. Spain also controlled the Gulf of Mexico and the mouth of the Mississippi and, lusting to add Georgia to Florida, was inciting the Creek Indians to attack Georgia settlements.



Ernest Cuneo — attorney, journalist, editor, historian — is a regular contributor to this magazine.

It was the big states versus the small ones; unless the delegates could set aside their prejudices, there would be no United States.

But even the dangers on the borders paled in comparison with the deep differences that separated the big states from the small ones. Unless this chasm could be bridged, there would be no United States at all.

In tone, the Convention was profoundly religious. Most of the 55 delegates fervently believed that providence itself had ordained the creation of the republic. Several delegates were theology students-turned-statesmen, and "In God we trust" was a strong affirmation of deep and abiding faith.

First and foremost among the leading participants was Gen. George Washington, whose spiritual force towered over the Convention. But for his august presence, the half-drawn swords that threatened several times to dissolve the Convention in civil war would not have been sheathed.

The contending champions were James Madison of Virginia for the big states and William Paterson of New Jersey for the small states. The great practical statesman was majestic Roger Sherman of Connecticut, whose plan eventually saved the Convention.

Only 11 states were represented. New Hampshire and Rhode Island were absent; however, John Langdon and Nicholas Gilman from New Hampshire signed the engrossed copy of the Constitution. The three largest states — Virginia, Pennsylvania and Massachusetts — formed an alliance with the three states of the Deep South — North Carolina, South Carolina and Georgia. Together they had six votes. The four small states — New Jersey, Delaware, Connecticut and Maryland — gained an ally in New York, which voted with them in hopes of maintaining the balance of power. They had five votes.

On May 29, 1787, Gov. Edmund Randolph of Virginia introduced the Virginia Plan, authored by James Madison. The plan provided for a strong national government in which each state's voting strength would be in direct proportion to its population. For example, Virginia would have eight votes and Delaware, one.

The small states were prepared to fight rather than surrender their sovereignty to a permanent government where they would be overwhelmingly out-voted. The large states were prepared to fight rather than submit their wealth to the taxing power where the vote of one citizen of a small poor state would count as much as eight of a large one.

The first exchange was ominous. George Read of Delaware notified the Convention that the Delaware delega-



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TAKING BOWS — ***The new nation was fortunate to be led by men who seemed to be bigger than life — men such as John Paul Jones, Franklin and Washington.***

tion would depart rather than accept the Virginia Plan's proportional representation by population. James Wilson of Pennsylvania declared that the big states might then continue to form their own union. Thus, the specter of disintegration stalked the Convention from the first day. The Virginia "resolves" were vigorously debated until June 13.

On Wednesday, June 6, "Resolve Four" thrust before the Committee of the Whole "that the first branch of the national legislature ought to be elected by the people of the various states." The great dividing question was not on who voted for the members of Congress, but how many each state would have.

On Saturday, June 9, Paterson stated forcefully that the small states would never confederate on the basis of the Virginia Plan. Wilson, answering for the big states, said that neither would they confederate on any other.

'The fact is, however, that intellect alone could not have produced a document of such great magnitude.'

The Convention teetered on the edge of dissolution. The weight of the future nation fell on the broad shoulders of Sherman. On Monday, June 11, Sherman offered the Connecticut Compromise: The big states should prevail in the House of Representatives; representation should be proportional to population. However, in the Senate, the small states would have equal representation with the big states.

THE compromise was instantly rejected by the big states which, with their six to five majority, intended to steamroller the Convention. Wilson of Pennsylvania offered a resolution calling for proportional representation in the lower house. Connecticut went along. The Committee of the Whole vote was 7 to 3. Maryland's vote was evenly split, nullifying it.

Sherman then offered the resolution for equal voting by state in the Senate. It lost, 6 to 5. The heated debate revealed that the small states would bolt if the Convention adopted the Virginia Plan and rejected the Connecticut Compromise. Nevertheless, the Big Three-Deep South Alliance determined to plow ahead.

On Wednesday, June 13, the Committee of the Whole reported to the Convention in favor of the Virginia Plan. On Thursday, June 14, Paterson asked the Convention for time to study the plan.

On Friday, June 15, he offered instead the New Jersey Plan. It reaffirmed the Articles of Confederation — one vote for each state in a unicameral legislature. On Tuesday, June 19, Madison, in a masterful analysis, shredded the New Jersey Plan, correctly pointing out that the Articles of Confederation had not produced a unified nation and neither would the New Jersey Plan.

Wisely, the Convention returned to its non-binding Committee of the Whole. On a straight vote of choice between the Virginia Plan and the New Jersey Plan, the New Jersey Plan lost, 7 to 3. Once more, Sherman had cast Connecticut's vote with the big-state alliance. But once more, he offered his Connecticut Compromise giving the

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INTEGRITY

Continued from page 37

small states equal vote in the Senate.

On Wednesday, June 27, the small states indicated they would accept the Connecticut Compromise. The big states were interested. Paterson delegated Luther Martin of Maryland as spokesman for the small states. On Thursday, June 28, Martin delivered one of the lengthiest speeches in American history. He effectually destroyed the faint hope of compromise.

Madison and Wilson decided to force the issue. On Friday, June 20, they rammed through the Convention proportional representation for the lower house. The big states won, 6 to 4. Connecticut, New York, Delaware and New Jersey accounted for the small state votes. Maryland's vote was split again and therefore neutralized.

It was clear on that broiling hot Saturday afternoon that the Big Three-Deep South Alliance had the votes to force proportional representation in the Senate. It was also clear that the swords of a terrible civil war were half unsheathed. Gunning Bedford of Delaware threw down the gauntlet. "Has it come to this?" he raged, "that the sword must decide? Sooner than be ruined, there are foreign powers who will take us by their hand."

His statement ushered in the most terrifying 36 hours in American history. All knew that the foreign power eager to assist the small states was Great Britain. Great Britain would welcome a civil war, which the Crown had been unable to effect during the revolution.

But those hours also witnessed one of the most unusual happenstances in history. For the religious delegates, there would be no question at all — providence had intervened to save the American republic. Early that Sunday, July 1, two undistinguished members of the Georgia delegation, Congressmen William Few and William Pierce, took the coach to New York, where the Congress was in session. That left Georgia with only two delegates.

On Monday, July 2, the big states called for the showdown vote. Massachusetts, Pennsylvania, Virginia, North Carolina and South Carolina honored their alliance: 5 votes. Connecticut, New Jersey, Delaware and New York held to theirs: 4 votes. If Maryland split again, the Connecticut Compromise would be lost, and with it the republic.

But an almost miraculous thing did not happen. When the Maryland vote was called, Maryland's wealthy conservative delegate, a most unusually conscientious gentleman named Daniel of St. Thomas Jenifer, was not in his seat. A consistent voter with the big states, his absence enabled Martin to cast Maryland's vote with the small states. Even more remarkably, as soon as Martin cast his vote, Daniel of St. Thomas Jenifer strolled in and took his seat, as if nothing unusual had happened. There is little reasonable doubt, however, that Daniel of St. Thomas Jenifer knew exactly what he was doing — saving the Convention by subordinating his personal views.

Because of the departure of Georgia's other two delegates to New York, the state had only two delegates present. William Hounstoun, a conservative, voted with the big states. The final weight of the Convention, and indeed the creation of the new nation, fell inexorably upon Abraham Baldwin, the remaining delegate from Georgia. Baldwin, as a matter of conscience, reversed the vote of Georgia and voted for the small states, thereby breaking the Big Three-Deep South Alliance and

Please turn to page 40

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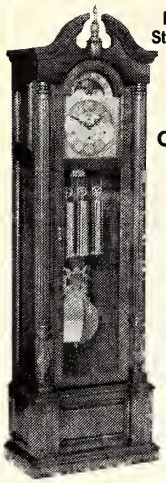
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INTEGRITY

Continued from page 38

saving the future United States.

The Convention vote was even, 5 to 5. But the big-state drive had crested. South Carolina broke first, offering a resolution for a committee to develop a compromise. The small states instantly accepted. All lines broke: the resolution for compromise carried 10 to 1.

A committee of compromise was formed with Elbridge Gerry of Massachusetts chairing the group.

On Thursday, July 5, the committee urged adoption of the Connecticut Compromise of Roger Sherman. But the battle wasn't over. James Wilson and James Madison, characteristically, refused to give in. Through their herculean efforts, a big state-Deep South battle line was re-established and fiery debate lasted for another 10 days.

The dashing one-legged aristocrat and former New York resident, Gouveneur Morris of Pennsylvania, was back in the big-state fold, and ready to fight. Once again the big states talked of forming their own union. The split union, Morris warned, "could be sewn together only by bloodshed, where the losers will be called traitors and the gallows will finish the work of the sword."

Once again a Sunday intervened, and on Monday morning, July 16, the recommendation for equal votes for states in the Senate was brought before the Convention. New York had left. The small states of New Jersey, Delaware, Connecticut and Maryland marshalled their votes: 4. Virginia, Pennsylvania, South Carolina and Georgia, whose delegates had returned, voted against the compromise: 4 votes. A tie. But Caleb Strong and Elbridge Gerry of the Big Three split the Massachusetts vote, thereby neutralizing it. The final vote came down to North Carolina. If it adhered to its Big Three-Deep South Alliance, the Convention would shatter.

Technically, before the Convention was the issue of whether or not the small states would have equal vote with the big states in the U.S. Senate. Such was the immediate issue, but upon it depended the birth of the United States of America. Hugh Williamson, leader of the North Carolina delegation, perceived that all issues and commitments to the alliance were subordinate to the creation of a new nation. North Carolina switched its vote in favor of the small states. As Williamson explained in his letter to the governor of North Carolina, though it had cast its ballot with the small states against the big states, North Carolina was really casting the deciding vote that there be a United States of America.

British Prime Minister William Evart Gladstone declared that the U.S. Constitution was the most remarkable work produced in modern times by the intellect of man. The fact is, however, that intellect alone could not have produced a document of such great magnitude. The key ingredient, was the personal integrity of its members. Saving the Convention so that the United States of America could be born exacted personal, material and spiritual sacrifices over and above the interests of the various states and the individual delegates. No less than five times, the fate of our country was decided by the conscience of men acting individually, the vote of any one of which would have changed the history of the world.

Thus, Prime Minister Gladstone was wrong: The Constitution was not primarily the product of intellect. As the record shows, this milestone of civilization was born of the conscience and integrity of noble human hearts. ☐

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THE ROLE OF THE PRESS IN SHAPING PUBLIC OPINION

Exploring all sides of the issue, newspapers of the day kept the people well-informed about the Constitution, its supporters and dissenters.

By Richard B. Morris

IT MAY be said without exaggeration that at no time in this nation's history has the press played a more significant role in the shaping of public opinion than during the great battles over ratification of the Constitution.

The Philadelphia Convention met in secret session, and the rule of secrecy was vigilantly enforced by its highly respected presiding officer, George Washington. There were no spectators and no reporters. Indeed, the Constitution has been called "an open covenant secretly arrived at." Hence, the public did not learn the text of the Constitution for some days after the convention closed on Sept. 17, 1787.

But rumors already had been afloat about the centralizing character of the draft document and, even before its publication, attacks on the motives of the delegates and the alleged text of the Constitution were appearing in the press. The Continental Congress, then sitting in New York, actually touched off the war of words. After three days of debates, Congress accepted Washington's recommendation, resolving that the Constitution "be transmitted to the several legislatures to be submitted to a convention of delegates chose in each state by the people thereof."

It was now in the hands of the people — and the kind of delegates they would send to the respective ratifying conventions was largely determined by what they read in newspapers, pamphlets and magazines. Fortunately, they had a wide choice of publications to help learn the opposing views of leaders. Newspapers flourished as never before. Readers in New York City, for example, were presented with the issues of ratification on an almost daily basis. Antifederalist Thomas Greenleaf issued his *Independent Journal* on Wednesdays and Saturdays. The pro-Federalist *Packet,* edited by Samuel and John Loudon, came off the press on Tuesdays and Francis Childs, a protégé of both Benjamin Franklin and John Jay, put out his pro-Constitution paper, the *New York Journal,* on Thursdays.

In Boston, the ratification controversy was followed closely by two major newspapers. The *Massachusetts Centinel* argued the case for the Constitution, while the *American Herald* was criticized for its impartial stance. The greatest printer of his day, Isaiah Thomas, enjoyed extraordinary success with the *Massachusetts Spy,* which he moved to Worcester at the start of the Revolution. Thomas provided substantial coverage of the debates over ratification in his state.

In addition to a German language paper published by Michael Steiner, Philadelphia was served by at least four English newspapers. Among them, the Antifederalist views of the *Freeman's Journal* were countered by the *Pennsylvania Packet,* which published letters from such distinguished Federalists as Francis Hopkinson. In Charleston, S.C., the *Gazette,* under slightly different titles, competed with the *City Gazette* and the *Columbian Herald* in its Constitution coverage.

By penny-press standards of the next century, circulation may have been limited, but every reader in the leading American cities could be reached promptly. Whether one subscribed to the newspapers or read them in the



Richard B. Morris is author of ***Witnesses at the Creation: Hamilton, Madison, Jay and the Constitution,*** *a New American Library paperback.*



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THE FEDERALIST IS REGARDED AS A CLASSIC IN POLITICAL SCIENCE WRITING.

taverns or coffeehouses, citizens could keep abreast of arguments about the Constitution's text.

THESE years also marked the emergence of the magazine format. An energetic Irish émigré, Mathew Carey, started with the *Columbian Magazine* in Philadelphia in 1786, and within less than a year published the more notable *The American Museum,* whose commentary strongly supported the new Constitution. In addition to newspapers and magazines, citizens were also exposed to a considerable number of pamphlets written by the leading protagonists in the battle over ratification.

The publication of the Constitution precipitated one of the great political and ideological debates in American history — debates waged not only on the floor of the various state ratifying conventions, but also in the press. The bombardment was initiated by the opponents of the Constitution who feared that the Constitution would overcentralize the nation at the expense of the states. Opponents often came from farming areas lacking easy access to markets and were joined in opposition by various special interest and debtor groups not represented at the Convention.

Foremost among the anti-Constitution leaders was Richard Henry Lee of Virginia, whose widely read, *Letters from the Federal Farmer,* charged that

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HOT OFF THE PRESS — ***Franklin, with Madison at his side, proofreads the first printed copies of the Constitution.***



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THE SIGNERS



Charles Pinckney

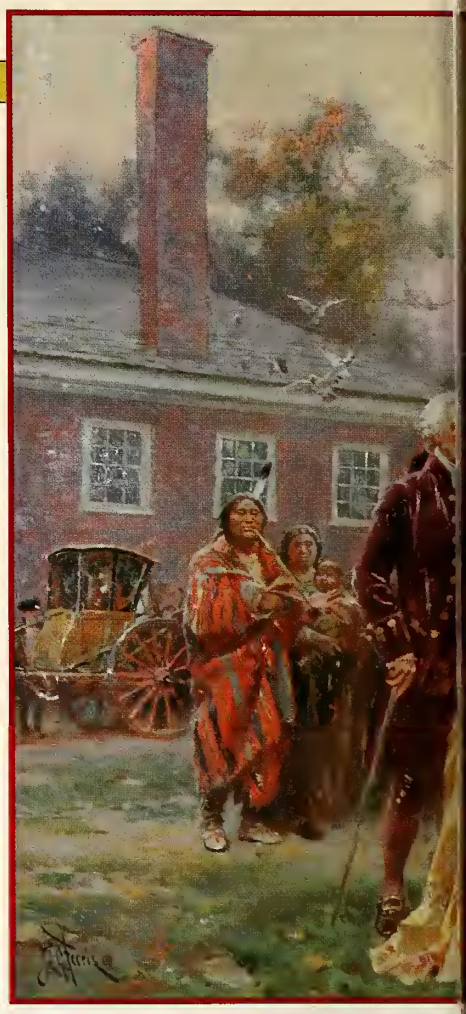
SAGES of every generation expound the blessings and perils of youthful idealism, but Charles Pinckney III proved that such idealism was the breath of life for an infant nation.

Born into the opulent wealth of an old South Carolina family, Pinckney rejected the haughty belief that only the privileged should hold government power. He studied law and was admitted to the state bar at the age of 21, but he chose not to practice law — but to forge it.

Inspired by the enlightened political philosophies of that era, Pinckney was swept into the patriotic fervor of revolt against the British crown. He served in his state legislature and later was commissioned an officer with the Charleston regiment. Captured by the British, he refused to renounce the revolutionary cause.

His post-war service to the nation was that of the consummate statesman. He was elected to the Continental Congress and at 29 was the second youngest delegate to the convention, where he spoke convincingly on the need for establishing a careful balance between the rights of citizens and the obligations of government. In later years, he would serve as governor in his state, in the U.S. Senate and would spearhead Thomas Jefferson's campaign for President. — *Joe Stuteville* □

'A REPUBLIC, IF YOU CAN KEEP IT'



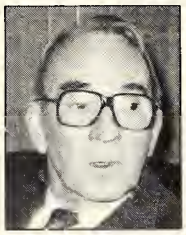
For months, 55 honest men debated over the type of government that would best suit the nation. What emerged was a republic for all times.

By Walter Berns

JAMES McHenry, a Maryland delegate, told the story that at the close of the Constitutional Convention Benjamin Franklin was asked by a Mrs. Powel of Philadelphia: "Well, doctor, what have we got, a republic or a monarchy? Franklin replied, "A republic, if you can keep it."

Not everyone, and especially Patrick Henry, agreed with Franklin. Although Henry played no role in drafting the Constitution, he did his eloquent best to prevent its ratification in Virginia. Among its alleged faults, he said, the Constitution had "an awful squinting; it squints toward monarchy."

With King George defeated, however, and the so-called Tories dispatched—or, at a minimum silenced—there was no possibility that Americans would willingly establish a monarchy, or even an aristocracy. What Franklin should have said in reply to Powel is, "A republic, by which I mean a representative, not a pure or direct, democracy," thereby indicating the real choice facing the nation in 1787. He and the other men who assembled in Philadelphia during that summer to write a constitution were, after all, much the same men who had assembled there in 1776 to adopt the Declaration of Independence. As such, they held it to be a self-evident truth that human beings are created equal insofar as they are all endowed by their Creator with certain unalienable rights, and that governments are instituted to secure these rights.



Walter Berns, Georgetown University, is author of numerous books on the Constitution, including ***Taking the Constitution Seriously.***

It did not occur to them, any more than it did to Henry and the other Antifederalists, that these rights would be well-secured under a government headed by some royal prince, even one who claimed to rule by the grace of God. Federalists and Antifederalists alike agreed that America would be some type of democracy; the only question that divided James Madison from Henry, or John Adams from his cousin Sam, had to do with the type of democracy it would be.

The Antifederalists were advocates of states' rights. The states, they argued, were the proper seats of government because they were the natural homes of individual liberty. Only there, within the small compass of the individual states with their essentially homogeneous populations, would democratic government be possible, because only there would the people themselves compose the government. Admittedly, the states even then were too large to permit direct democracy—not even in Rhode Island was it possible for the entire population to assemble and legislate after the fashion of a New England town meeting—but direct democracy might be approximated in a system where the representatives were directly answerable to, and dependent upon, their constituents. This could be done by requiring short terms of office, frequent rotation of officers and a numerous representation. The more numerous the representatives, the more the assembly would mirror or represent the population, and the less likely it would do anything contrary to the will of the people. To exaggerate only a little, Antifederalists argued that the best government is the closest approximation of one where individual citizens and the neighbors they know well and trust take turns making and administering the laws.

The Federalists denied this because they denied the homogeneity of the neighborhoods. They saw that even



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CURIOUS — ***"Well, doctor, what have we got, a republic or a monarchy?" Mrs. Powel asked Benjamin Franklin.***

within the smallest of the states, there were politically relevant differences in the population — differences of wealth, education, religion, faculties, taste, interests — and that, because of these differences, the states would in fact be divided into majorities and minorities. And they knew that those majorities could not be trusted to be solicitous of the rights of minorities. Knowing this, they proposed a governmental structure that, in its essential makeup, was the opposite of that favored by the Anti-federalists.

> A MAJORITY THAT RESPECTS THE RIGHTS OF THE MINORITY.

After a vigorous debate over a period of about eight months, the Federalists prevailed, but only by narrow margins in the critical states of Massachusetts, Virginia and New York, and the Constitution was ratified. Now, after 200 years, and especially with so much attention being paid to human rights violations in many countries, it is not surprising that Americans today are conscious of their good fortune to have such a fine document. Nor is it remarkable that Americans should credit the Bill of Rights — today the most visible feature of the Constitution — with securing individual rights. How does the Constitution secure rights? By specifying them in its text and empowering the judiciary to enforce them... a popular answer and one favored by many lawyers, but it is only about half right.

Without question, minorities of all descriptions have had to depend on the Supreme Court in Washington to protect them from hostile state and local majorities. Also during the past half century alone, the court has struck down hundreds of state laws abridging the freedoms of religion, speech and press. But there is something of importance to be learned in the fact that during the entire course of our history under the Constitution, the Supreme

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THE SIGNERS



Benjamin Franklin

IF LOGIC had prevailed, Benjamin Franklin would have spent his life making soap and candles. At the age of 10, after only two years of formal schooling, he went to work with his father, a candle- and soap-maker, who struggled to provide for his 17 children.

Benjamin Franklin did not merely march to a different drummer — he double-timed. He taught himself and applied that knowledge to a steady stream of innovations: an improved printing press, a post delivery system, bifocal glasses, an efficient stove and theories on electricity.

He also was a writer, publisher, diplomat, scientist, politician, statesman and he once toyed with the idea of becoming a swimming instructor. Hailed internationally for his attainments, Franklin was honored by election to England's Royal Academy and France's Academy of Sciences.

But whatever Franklin was, however much he was welcomed into the circles of the high and mighty, one thing he was not: a snob. His identification with the common man and democratic principles comes across clearly in one of the many aphorisms in his famous *Poor Richard's Almanack:* "The greatest monarch on the proudest throne is obliged to sit upon his own arse." □

— James Kramer

The true power of the Bill of Rights lies not in words committed to paper, but in the people's will to defend it.

Soul Of A NATION

By Steve Salerno

THOUGH it is seldom mentioned by name, most of us reap its grand rewards daily. Each time we hear a broadcast commentary, or read a newspaper editorial that calls government policy into question; each time we tell friends how we feel about some public issue; each time there is a jury trial, or a search warrant issued, or an attorney appointed to assist an indigent client in his defense; each time an organization marches on behalf of a cause; each time we attend a church service; indeed, each time we routinely exercise one of the countless personal freedoms we tend to take for granted — we pay unspoken tribute to the first 10 amendments of the U.S. Constitution: the landmark document known as the Bill of Rights.

In the words of the late Sam Rayburn, former House Speaker and a celebrated fixture in American politics, "The Bill of Rights is a truly extraordinary document, not just in terms of world government, but even in the context of the Constitution itself. You might call it the statement-of-purpose of our entire republic . . . Whereas the balance of the Constitution basically sets forth legislative procedure, the Bill of Rights is the heart behind the bureaucratic machinery. It is an unflinching expression of absolute, moral entitlement."



Steve Salerno is a nationally known journalist who specializes in U.S. government and history.



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Oddly enough for such an epochal document, the bill was not a part of the Constitution that originally emerged from that first convention in Philadelphia in 1787. At the time, the convention delegates' priorities were elsewhere. The nation's constitution, the Articles of Confederation, had been drafted in the immediate aftermath of the Revolution, and had failed to bring about unity. The states were not eager to accept the authority of some massive federal institution; and the fear of being under the thumb of a far-off government was still too fresh in the mind, explaining why the power to enforce the collection of taxes was noticeably absent from the articles. As a result, the structure of the articles left the needs of the republic subservient to the sovereignty of the respective states.

Did the founders intend to grant individual citizens the unabridged right to gun ownership?

Thus, in 1787, convention delegates were grappling with the problem of how to go about creating an effective central government in an era of equally strong separatist feelings among the states. The delegates' mood was one of protecting the fledgling federal government against the excesses of its critics, and the issue of individual civil liberties seemed to run counter to the spirit of the convention.

Distrust of the movement toward a Bill of Rights was strongest in the deep South. As Carolina statesman Charles C. Pinckney observed, "Such bills generally begin by declaring that all men are by nature born free. Now, we should make that declaration in very bad grace, when a large part of our property consists in men who are actually born slaves." Inasmuch as all of the states, save New Jersey, already had some form of rights bill incorporated in their state charters, delegates wanted to avoid wasting time and causing resentments by writing a document that duplicated or overstepped local codes.

Finally, to weave such a bill into the Constitution was seen by many delegates as defensive. Nowhere in the Constitution was Congress given explicit power to regulate the press — so why was it necessary to include an amendment prohibiting such regulation? Wondered Alexander Hamilton, "Must we sit down and specifically enumerate every last manner of conduct in which the government may *not* engage? Surely, that is not our mandate!"

The men and women of the young American republic, however, had no such philosophical objections. The word that came out of town meetings and state ratification conventions was that if this document was to be the underpinning of the American republic, then certain God-given privileges ought to be plainly set forth. Three of the most populous states of the Northeast let it be known they had no intention of supporting a national charter that omitted a declaration of civil liberties. Fittingly, the bill became the subject of a massive grassroots movement. Modeled by James Madison after the Virginia Declaration of Rights, the Bill of Rights became the law of the land in 1791.

While all of the amendments have had their effect on the evolution of the American system of government in some way, a few of them can truly be said to rank among the most momentous declarations in world history.

In a single breathtaking sentence of just 45 words, the *First Amendment* — perhaps the most widely invoked of all the bill's provisions — guarantees the freedoms of speech, press, assembly and religious worship. It is doubtful there has ever been a more succinct and yet sweeping statement of basic human rights than in that sentence.

Similarly, the *Fourth Amendment* is a forthright guarantee against "unreasonable searches and seizures," and as such, has been the basis for some of the most sensational, if not always popular, rulings by the nation's highest courts. The notion of "probable cause," as described in this amendment, is now a cornerstone of American law enforcement.

The *Fifth Amendment* provides further safeguards against unjust legal treatment. Among them are the promise of due process of law and protection

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THE BILL OF RIGHTS



Protecting Our Liberties

By Professor Louis Henkin,
Columbia University

THE rights enumerated in the Bill of Rights have flourished and developed, particularly since World War II, as the original principles have been applied to new situations.

The freedom of speech now includes not only the right to criticize government, to hold any opinions and advocate any policies, but also includes every form of self-expression, even advertising and other commercial speech.

The freedom to publish means also the right not to publish, or to publish anonymously.

The freedom of assembly includes the right to associate with persons of one's choice, and the right not to associate, and not to reveal one's associations. Freedom of religion was protected by the statement: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The protection against search and seizure means that the government cannot use as evidence what it obtained unlawfully.

The Bill of Rights does not list all our rights. The *Ninth Amendment* provides that "the enumeration in the Constitution, of certain rights, shall not be construed to

Please turn to page 78

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SOUL OF A NATION

Continued from page 47

from double jeopardy, which means generally that one cannot be tried twice for the same crime.

The *Sixth Amendment* continues in this vein, guaranteeing the right to a speedy, public trial by an impartial jury, the right to be informed of the nature of the charges against you, the right to confront hostile witnesses and to subpoena witnesses on your behalf. Also stipulated is the right to have an attorney present throughout the conduct of your case.

The purpose of the *Eighth Amendment* is to protect citizens from judicial excess. It forbids unreasonable bail or fines, and is probably best known to the general public for its prohibition against cruel or unusual punishment.

A further example of the vision and wisdom of the founding fathers is found in the *Ninth Amendment*. During the drafting of the bill, some statesmen worried that important privileges that were left unsaid might later be assumed to have been passed over intentionally. Therefore, the *Ninth Amendment* states that "the enumeration in the Constitution of certain specific rights should not be construed as a denial of other rights not specifically enumerated."

Several of the bill's amendments, though less a source of inspiration to posterity, remain significant for the arguments they have provoked. In this category is the *Second Amendment*. The text reads: "A well-regulated militia being necessary to the security of a free State, *the right of the people to keep and bear arms shall not be infringed.*" Did the founding fathers mean to grant to individual citizens the unabridged right to gun ownership? Or was the word "people" meant in a more collective sense, with the emphasis on the importance of maintaining a reserve of men and weapons for the express purpose of staffing a well-regulated militia? Court interpretation has tended to side with the former viewpoint, but after 200 years, the debate persists.

For sheer controversy and historical effect, the hands-down winner has to be the bill's 10th and final amendment. Popularly known as the "States' Rights Amendment," this section of the bill granted to the individual states all powers and responsibilities not reserved by the Constitution for the federal government. In so doing, the 10th Amendment became the basis not only for the Civil War and the continuing integration battles of the 60s, but also for countless state-federal squabbles since. Its ambiguity eventually necessitated other civil rights amendments, notably the 13th and 14th, which are now considered extensions of the original Bill of Rights.

Mindful of such interpretive bickering, Judge Learned Hand once observed that, in the end, the true power of the Bill of Rights lay not so much in the words themselves, but in the will of the people to abide by their intent. "Liberty," said Hand, "lies in the hearts of men and women; when it dies there, no constitution, no law, no court can serve it... while it lies there, it needs no constitution, no law, no court to save it." ☐

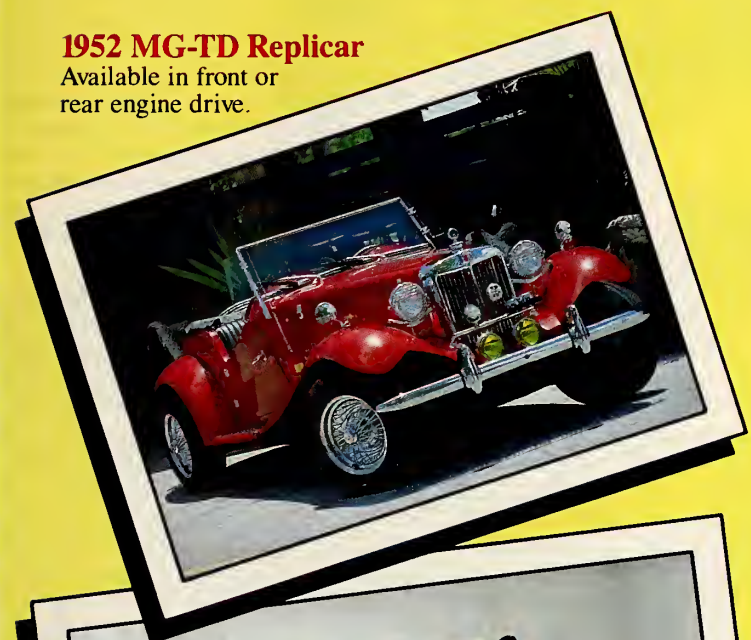
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Pennsylvania Packet and Daily Advertiser, March 28, 1787

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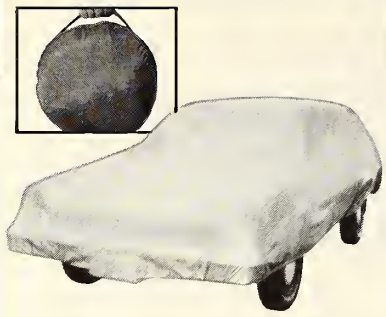
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REPUBLIC

Continued from page 45

Court has invalidated only three, or at most four, acts of Congress as violations of the First Amendment, none of them a major piece of legislation. What accounts for the difference?

Part of the answer is evident. There are, as Madison promised, safeguards in the structure of government that preclude, or at a minimum inhibit, the formation of majorities disposed to deprive minorities of their rights. In the first place, political power is divided between the state and federal governments; second, the portion of power granted to the latter is distributed among its three branches: legislative, executive and judicial; and third, the portion granted to the legislative itself is divided between House and Senate. Laying hands on all these levers of power is not a simple matter.

Beyond this are what Madison characterized as the essential features of a republic: representation and greater size, the features that distinguish it from a pure democracy. Instead of looking upon representation as a poor substitute for a direct assembly of the people, one adopted grudgingly and only out of necessity, the Federalists recognized and used its positive advantages. Representation is a means of putting some distance between the people and the government; as Madison said in *Federalist 63*, it is a way of excluding *"the people in their collective capacity"* from any direct share in the government. Instead of coming together or being consulted as one body, the people are divided into electoral districts and then represented as distinct constituencies. Not even the President is elected by direct popular vote of the people in their collective capacity.

But, Madison added that the advantages of this can be enjoyed only in a country with an "extensive territory." Thus, rather than smallness as a means of preserving homogeneity and intimacy, the Federalists depended on largeness to provide so great a variety of interests, parties and sects to ensure "that a coalition of a majority could seldom take place on any other principles than those of justice and the general good."

Under the republican form of government, those majorities will be assembled not from the people themselves but from their representatives. For the reasons elaborated by Madison in the celebrated *Federalist 10*, the representatives will be less parochial, more accommodating, and more disposed to compromise, with the consequence that the majorities they form will be more moderate and reasonable. As he explained it, a republic is a democracy governed by reasonable majorities, defining reasonable as Jefferson did: a majority that respects the rights of the minority. This, so defined, is the sort of democracy promised under the Constitution, and on the whole, especially when compared with other places and other times, this is the sort of democracy we have had in America. □

CHARLESTOWN (Mass.)

CONGRESS, with a press, during the life of paper money, did wonders; they have had the power of emitting bills, and borrowing money, without funds to gain credit — of raising an army and equipping a navy, without the means of building a ship or subsisting a soldier — of sending ambassadors, who divulge our distress abroad, and render our poverty more splendidly conspicuous — making treaties which they cannot enforce the execution of; and finally, they present themselves a spectacle of ludicrous, that we cannot help being diverted.

The amelioration of a constitution, founded on such false and incompatible principles, seems to us in every view; but expedients proposed, which require the unanimous concurrence of thirteen separate legislatures, differing in interests, distinct in habits, and opposite from prejudices, have so repeatedly failed that they no longer furnish a ray of hope: We pray, therefore, for the day when we shall see a *national constitution*, fit composed of the best and ablest of men in the union, a majority of whom shall be invested with the power of altering it. It is now so bad, as to defy the malice of fortune and ingenuity to make it worse.

Pennsylvania Packet and Daily Advertiser, May 19, 1786

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A LIGHT TO MANY NATIONS

Since its birth, the Constitution has been one of America's greatest gifts to the world —a beacon to guide new nations.

By Albert P. Blaustein

THE U.S. Constitution—the world's first national constitution and our most important export—has been the inspiration and model for liberty and freedom throughout the world.

In the very beginnings of American history, soldiers who came from Europe to fight side-by-side with the Continental Army returned home with American ideas and ideologies to push for constitutionalism in their native lands. It was no accident that Poland had the world's second constitution on May 3, 1791, and that France had the third on Sept. 3, 1791. Both Thaddeus Kosciuszko and the Marquis de Lafayette were heroes of our Revolution, and also national heroes in the battles for freedom in their own countries. The influence of the U.S. Constitution abroad was first manifested in Warsaw and Paris.

But it was not only foreign soldiers who were to spread the message of what the founding fathers crafted in Philadelphia. The Constitution has followed the flag. It is ironic that the country that was the first to cast off the bounds of colonialism would spread democratic constitutionalism as a by-product of its own wars and its own colonialism.

The two nations that have been most influenced by the American model are the Philippines and Liberia. Their legal systems are so American in nature that it would be virtually impossible for these countries not to have an American-style constitution. The Philippines came under U.S. sovereignty in 1898 and remained a colony until 1946. Its 1935 Commonwealth Constitution copied the best features not only of the Philadelphia model, but also of the state constitutions. And its subsequent constitutions have retained the same pattern.

Liberia was established and settled by the American Colonization Society with the avowed purpose of founding colonies in West Africa for the repatriation of "free persons of color" then living in the United States. Its first constitution was drafted by the Society in 1820 and signed by each of the adult male settlers on the eve of their sailing to the new colony. For most of its history, Liberia lived under a 1847 constitution drafted by Simon Greenleaf of the Harvard Law School. I was the principal draftsman of the current constitution, written in 1984.



Albert P. Blaustein, a professor of law at Rutgers University, helped prepare the constitutions of Bangladesh, Liberia, Zimbabwe and Peru.

THERE is a strong American influence in the current constitution of Japan and the 1949 constitution of the Federal Republic of Germany. Displeased with the lack of progress that the Japanese were making in the preparation of a post-war constitution, Gen. Douglas MacArthur ordered his headquarters aides to draft one.

That draft, now known as the MacArthur Constitution, was delivered to the Japanese government on Feb. 13 for acceptance as its own. The Japanese government produced its own draft constitution—in Japanese—known as the March 2nd version. After 30 hours of intensive negotiations over the two documents, a final version in both languages was agreed upon. MacArthur approved the English version, and at 5 p.m., March 6, the Japanese government made public the outline of the new constitution, which was printed in newspapers the following day for all Japan to read.

Less dramatic, but no less significant, was the American participation in the preparation of the post-war German constitution. It was not a novel influence from the German point of view. The United States influence on German constitutionalism has been felt and recognized in the early constitutions of Baden, Bavaria and Wurtemberg and was particularly significant in the Frankfurt Constitution of 1849.

At the end of World War II, the Civil Administration of the American Military Government prepared a series of studies and comparisons of the federal constitutions of the world. This was extremely important since Germany, like the United States, is a federal state. And the studies helped guide the cooperative effort in which many American constitutional scholars worked with German representatives in preparing the present Basic Law of the Federal Republic of Germany. The Germans

Please turn to page 61



MORRIS/BLACK STAR

SHOWING THE WAY — *Our form of government and symbols of liberty have become the standards for freedom throughout the world.*

DISSENTERS



Three Who Didn't Sign

WHEN the gavel fell to adjourn the Philadelphia convention, not all of the 42 remaining delegates stepped forward to sign the Constitution. Edmund Randolph, George Mason and Elbridge Gerry remained in their seats.

Irony dealt a strange hand when Gov. Randolph of Virginia refused to sign. During the convention, he had unveiled the Virginia Plan, which eventually was the basis for much of the Constitution. But each day, he saw his plan altered and amended until he could no longer endorse a plan that he felt placed too much power in the federal government.

Like his fellow Virginian, Mason believed the new government was too centralized. Mason preferred a three-man executive, rather than a government headed by a single president. When Randolph later supported ratification, Mason branded him the "Benedict Arnold of Virginia."

Gerry, of Massachusetts, did not sign largely because it contained no Bill of Rights. Gerry served as vice president during James Madison's second term in office, but his dubious claim to fame is found in a term coined from his earlier reapportioning of Massachusetts' senate districts — a practice known then and now as "gerrymandering." □

— Joe Stuteville

The Best of TIMES

The hardships of life in a new land were tempered by the pride in accomplishments and the freedom to live life as one pleased.

By Sam Sherman

LIFE in colonial America was at once the best and worst of times. Though the sweet smell of freedom hung in the air, the wilderness proved harsh and unforgiving, and it took a special breed of people to create a new order while taming a new land.

Most homes—built by the men and women who would live in them—proved to be drafty and cold. What little heat there was came from smoky fireplaces. Light sprang from candles or oil lamps, and if one ventured out at night, he carried a lantern with him. Water came in oaken buckets from hand-dug wells.

Most people grew or shot their own food, and wives labored long to make clothes for the family. The crooked streets evolved from Indian trails, churned with mud when it rained, and pedestrians competed with horses for the center of the thoroughfare. News came in letters or from a messenger thundering through on a steed.

Sam Sherman, a free-lance journalist from Missoula, Mont., specializes in travel articles for general-interest magazines throughout the world.

Most men worked with their hands—the farmers, blacksmiths, millers, tanners. Women bore large families as a labor supply. Medical treatment often was worse than the disease. Smallpox killed thousands.

But all was not drudgery. Village squares rang with the sounds of rudimentary contests of hockey, soccer and baseball. Taverns turned a brisk business. Concert music wafted out from town halls. Games of chess piqued young minds. Reading was a popular passion.

There sprang up, too, in this difficult time, the seeds of an America to come, with freedom the elixir to make them grow. Free press. Free speech. Free public education for all. The family became the building block of society, the church its center. Neighbor assisted neighbor. At the elbows of their sweating parents, children learned the value of a hard day's work. And at dawn on the village green there gathered musket-laden farmers and their sons, willing to die in defense of it all.

Some did. But most lived on to sire more dreams, to lead America out of infancy, to stand broad-shouldered on the horizon and smile approvingly at tomorrow. It was indeed the best of times. □



COLONIAL WILLIAMSBURG

GRAND OCCASION—*Life wasn't all drudgery*



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BILL WEST

NECESSITY — *The musket protected the home and put food on the table.*



s prevalent nearly everywhere, as most men the sweat of their brows.



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HOMEMAKERS — *Each household was blessed with its own fashion designer.*



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SPOTLESS — *Good housekeeping was a happily pursued labor of love.*



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STATES AT WAR — *The Civil War presented the supreme challenge to the ideals of those who sought "a more perfect union."*

THE NATION DIVIDED

GREAT CONSTITUTIONAL BATTLES

By Douglas Greene

THE genius of America's founding fathers produced a living document, flexible enough to respond to changes they knew must come, but could not foresee, yet tough enough to withstand the challenges hurled against it.

Adopted in a simpler time for a mostly rural nation of fewer than 4 million people, the U.S. Constitution still guides today's much larger, infinitely more complex society. While it does not always provide precise answers, the Constitution almost magically stretches to accommodate the needs, concerns and aspirations of a nation seeking solutions for new problems.

From the beginning, challenges arose from every section of the country to test these few thousand words. Had they been successful, the challenges could have cracked the cornerstone of our democratic government. Perhaps the first challenge to the central government's power to enact and enforce laws, a basic tenet of the Constitution, came only five years after ratification. When Congress voted a tax on whiskey, western Pennsylvania farmers rebelled. The federal government, they cried, had no right to put a levy on their home brew, and they vowed to drive off with musket fire anyone who dared come to collect. A series of gun battles followed between U.S. marshals and settlers west of the Alleghenies. President Washington ordered troops to the area to quell the insurgency. Overpowered, the frontiersmen soon yielded and paid the tax.

Curiously enough, two of the founding fathers — Thomas Jefferson and James Madison — paved the way for another early test of the strength and resiliency of the Constitution. It began in 1798 when Congress passed the Alien and Sedition acts. The latter made it a crime to write "false, scandal-

FLEXIBLE ENOUGH TO ACCOMMODATE THE NEW, THE CONSTITUTION IS TRULY A LIVING DOCUMENT.

ous and malicious" material about the President, Congress and government; the former gave the Chief Executive power to banish any foreigner he thought dangerous to the country.

Convinced these laws imperiled freedom of speech and press as spelled out in the First Amendment, both men acted swiftly. A fuming Madison dashed off a harshly worded resolution in the Virginia Legislature: "Virginia doth protest against the alarming infractions of the Constitution passed at the last session of Congress." Blunter still was Jefferson who claimed flatly that the Sedition Act "is not law."

Was this rebellion? No, because these staunch patriots acted out of a deeply felt concern for the freedoms guaranteed under both the Declaration of Independence and the Constitution. In a few years, the laws they despised had lapsed, but a potentially dangerous doctrine had been born. It was encapsuled in a single word — nullification.

This remained a live grenade for the entire first half of the 19th century, threatening to blow apart the union. Nullification meant that any state could have veto power over any act of Congress.

With such veto power available, U.S. legislation would become a bewildering crazy-quilt of laws, legal and enforceable in a number of states, invalid in others. The Constitution would be virtually meaningless.

John Marshall, Chief Justice of the United States from 1801 to 1835, led the court during those years in handing down momentous rulings that the Constitution controls any act of Congress repugnant to it, not the states. This and other interpretations strengthened the document, but did not eliminate continuing efforts of the states to prevail over the federal government.

As the union struggled through its growing years, nullification — which was actually another way of expressing the doctrine of states' rights — was a threat to the indivisibility of the nation. Note just two examples:

• In 1807, Britain and France were at war and routinely stopping and searching ships on the high seas. To forestall this, President Jefferson forced through Congress the Embargo Act, which prohibited American ships from carrying goods to foreign ports.

New England states were furious. Their merchant ships, loaded with wares for Europe, were tied up at the ports. Tobacco, wheat and other products were rotting in the warehouses. Timothy Pickering, a legislator from Salem, Mass., asserting his disgust with the nation's leaders, called for secession from the Union. Tensions were approaching the flashpoint. Cool heads in Congress prevailed, and in March 1809 the Embargo Act was repealed.

• In 1832, 65-year-old feisty, craggy-faced Andrew Jackson signed a bill setting high tariffs on foreign imports, enraging South Carolina, the leading cotton producer. Charging that the move was intended to help build northern manufacturing industries at their expense, state legislators rushed through an ordinance declaring the tariff null and void, prohibiting the collection of duties and — to cap it all — threatening to organize a separate government.

Old Hickory's blue eyes burned. "The laws of the United States must be executed," he said. "My duty is emphatically pronounced by the Constitution." He ordered federal troops to Charleston and warships into its harbor. Bloodshed seemed inevitable until Henry Clay, the senator from Kentucky, proposed a compromise bill to lower the tariffs. The southerners were placated and the crisis passed.

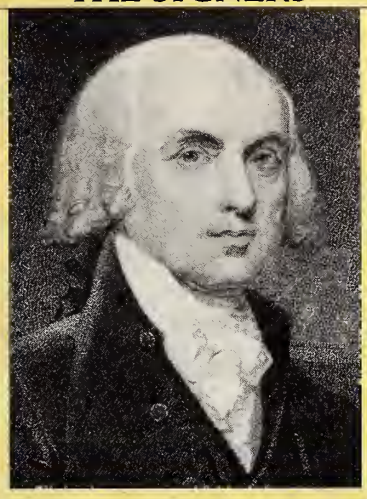
Continuing cries of states' rights were heard over the years. No decade passed without threats of secession from the Union from one section or another.

It all came to a head in American his-

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Douglas Greene, a free-lance journalist based in Woodmere, N.Y., writes articles on American history for general-interest magazines throughout the world.

THE SIGNERS



James Madison

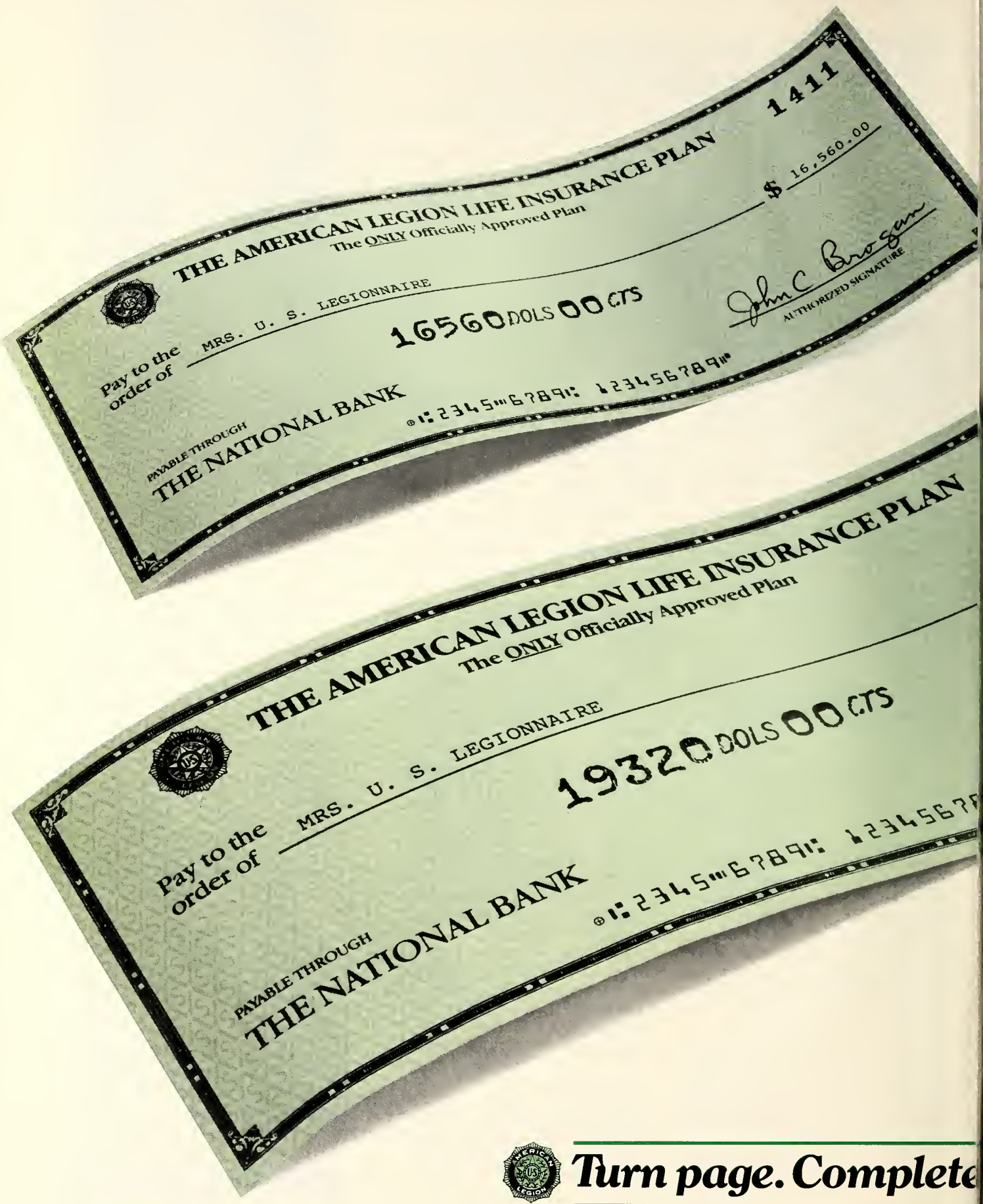
HISTORY has dealt kindly with James Madison and his role in molding the nation, but his peers were less favorably disposed toward the fourth President of the United States because of the War of 1812.

Admittedly, there had been substantial provocation such as British harassment of American ships on the high seas, but resolute diplomacy could have reversed it. And a scheming Napoleon did not help matters. The French leader, then at war with Britain, maneuvered Madison into a position that made the War of 1812 inevitable.

America lacked almost everything but courage, but that commodity was not enough, since the administration prosecuted the war so ineptly and so many citizens disavowed it, dubbing it "Mr. Madison's War." The low point came when British troops reached Washington and burned the White House and Capitol. Even Andrew Jackson's victory in New Orleans was hollow when he learned that three weeks earlier a treaty was signed.

It is clear now that Madison was ill-cast as a military leader, but his stellar achievement as architect of the Constitution prevailed. His was the voice of reason for a strong central government and adoption of a Bill of Rights, and it is for that role history most honors him. □

— Vernon Pizer



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35-44	72,450	62,100	51,750	41,400	31,050	20,700	10,350	5,175
45-54	35,420	30,360	25,300	20,240	15,180	10,120	5,060	2,530
55-59	19,320	16,560	13,800	11,040	8,280	5,520	2,760	1,380
60-64	12,880	11,040	9,200	7,360	5,520	3,680	1,840	920
65-69	8,050	6,900	5,750	4,600	3,450	2,300	1,150	575
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2. Have you been confined in a hospital within the last year? No ☐ Yes ☐ If yes, give date, length of stay and cause _____
3. During the last five years, have you had heart disease, circulatory disease, kidney disease, liver disease, lung disease, diabetes, or cancer, or have you had or received treatment or medication for high blood pressure or alcoholism?
   No ☐ Yes ☐ If yes, give details _____

I represent that to the best of my knowledge, all statements and answers recorded on this enrollment card are true and complete. I agree that this enrollment card shall be a part of any insurance granted upon it under the policy. I authorize any physician or other person who has attended or examined me, or who may attend or examine me, to disclose or to testify to any knowledge thus acquired.

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Upon receipt of a request from you, the M.I.B. will arrange disclosure of any information it may have in your file. Medical information will only be disclosed to your attending physician. If you question the accuracy of information in the Bureau's file you may seek correction in accordance with the procedures set forth in the Federal Fair Credit Reporting Act. The address of the Bureau's information office is P.O. Box 105, Essex Station, Boston, Mass. 02112; Phone (617) 426-3660.

LIGHT TO NATIONS

Continued from page 52

call this their Basic Law rather than a constitution, stating that the latter term is reserved for the document that will unite the two Germanys. Particularly noteworthy is the establishment of a Constitutional Court with judicial review powers like those of the U.S. Supreme Court.

Members of the military and consultants brought in by the U.S. Information Agency and USAID played a role in the South Vietnam Constitution of 1967.

Earlier military forays of the United States resulted in an American constitutional influence in the Caribbean. While the current 1977 Cuban constitution owes nothing to the direct influence of the U.S. model, there is an indirect influence flowing from the 1901 Cuban constitution. Cuba had been under U.S. military authority following the Spanish-American War of 1898. But, by the Act of Congress of March 2, 1901, the President was authorized "to 'leave the government and control of the island to its people,' so soon as a government shall have been established in said island under a constitution which...shall define the future relations of the United States and Cuba." A U.S.-style constitution, largely drafted by American lawyers, followed—with a model section on guaranteed individual rights.

The circumstances of Panama's separation from Colombia in 1903 made it inevitable that the United States would exercise a measure of control in the organization of the new state. Not only did the original constitution of Feb. 13, 1904, imitate that of the United States on various points, it also provided that the United States had the right of intervention "to re-establish public peace and constitutional order." The military occupation of Haiti following the treaty of Sept. 16, 1915, resulted in that country's ninth constitution three years later, largely written by then Assistant Secretary of the Navy Franklin D. Roosevelt.

But long before America became a military power, its constitutional message was spread throughout the world. The goals of securing to all men the basic rights of life, liberty and property were the common objectives of the Age of Enlightenment. What made the American contribution unique was American pragmatism. Our founding fathers had accomplished what the philosophers of Europe were only talking and writing about. And Europe was eager to learn from America how it could be done.

Copies of the 13 state constitutions were translated into French within days of publication and were soon available on the streets of Paris. These constitutions and the Philadelphia constitution that followed became the subject matter of a special course at the new "lycee de Paris." Newspaper comments on the course pointed out how ideas and phrases from the American documents were influencing Belgium as well as France.

The French constitution of 1791 became well-known in Europe and served as the structural basis for the landmark Spanish constitution of 1812. It was that Spanish constitution, already influenced by the U.S. precedent, that vied with the Philadelphia document as the model for new constitutions of Latin American countries. Mexico's 1810 independence constitution and Venezuela's 1811 constitution predated the Spanish charter, thus the

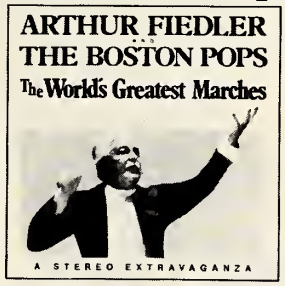
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LIGHT TO NATIONS

Continued from page 61

influence was essentially American, but the Mexican and Costa Rican constitutions of 1824 and the Argentinean constitution of 1826 are good early examples of the combined influence.

So important was the American model for Argentina's constitution of 1853 — still in existence as the fourth oldest constitution in the world — that it brought forth this observation from a leading Argentinean scholar: "[My compatriots] might become aware of the value of the Argentine federal constitution, which has been copied from the U.S. Constitution; and which has no defects except precisely in those points in which it ceases to be a copy."

But why has the U.S. Constitution been so influential? Several reasons are offered:

• The American Constitution has lasted for two centuries and has played an important role in making the United States the world's most prominent and successful republic of all. It is the inevitable guidepost for any nation with similar aspirations.

• The U.S. Constitution, as the first constitution, was the only model of constitutionalism and the most logical guide in the years that followed.

• The founding fathers had created the machinery and the modalities to formulate a constitution: setting up a constitutional convention, a method of ratification, etc. Further, the pragmatic constitution-makers at Philadelphia had developed a practical solution and compromise between national and local governmental powers. It was to be called "federalism." The present Australian constitution, promulgated in 1901, is based strictly upon U.S. guidelines. So was the Brazilian constitution of 1891 and the Nigerian constitution of 1979. And so, to a lesser extent, are the constitutions of many of the other federal states such as Canada, Mexico, Venezuela, Argentina, Switzerland, Germany and Austria.

• The founding fathers were proselytizers of their product. They believed that they were creating a new Eden for all humanity and were successful in sending this message abroad. Thomas Jefferson looked upon the Constitution as a standing monument and a permanent example for the aspirations of the people of other countries. Alexander Hamilton thought that it had been reserved for the people of America to decide the important question whether societies of men are really capable of establishing good government. James Madison believed that posterity would be indebted to the founding fathers for the possession of a constitution and that the entire world would be indebted for the example provided. Americans of succeeding generations have continued to play the role of constitutional missionaries.

• Constitution-writing and writing about constitutions is largely the work of lawyers. It is no accident that 34 of the 55 framers of the U.S. Constitution were lawyers, or men who studied the law. The constitutional assemblies abroad have likewise tended to be dominated by lawyers. The American model is a great influence because lawyers always seek precedents and read the works of other lawyers. It was inevitable that America's ideas and methods would be transmitted through the international lawyer network.

• Foreign study of American democratic principles has helped promote the American model abroad. The United States has been, and continues to be, a great importer of students. Those charged with writing constitutions for

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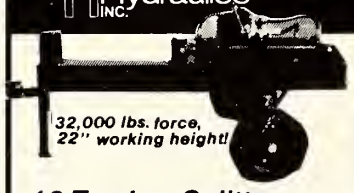
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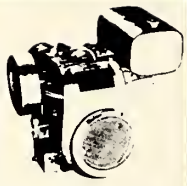
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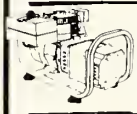
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LIGHT TO NATIONS

Continued from page 62

foreign lands have sought visits with American experts. For example, Thomas Masaryk studied in the United States in 1917-18 and shortly thereafter became the author of the constitution of Czechoslovakia and that nation's first president. Sir B.N. Rau, adviser to the assembly preparing the Indian constitution, made several visits to this country in 1947. Included in his schedule were meetings with members of the Supreme Court and conferences with faculty members at Columbia Law School.

• Numerous Americans have served as counsel, advisers and draftsmen in the preparation of constitutions abroad. This was especially true in the drafting of the constitutions of the newly independent states of Latin America in the last century and it continues to be true in constitution-writing today.

• American constitutional ideology has been spread by America's soldiers, sailors and airmen, who not only fought to preserve democracy at home, but also exported it for the benefit of other people throughout the world. ☐

MODERN DEFINITIONS

A Prude

A woman who avoids men all day and thinks of them all night.

A Physician

An old woman who sits by your bed till she kills you, or nature cures you.

A Gambler

A man who, by the arts of false dice, packing cards, signals and confederates, or by any other means, will, under the title of play, pick the pockets of any one who falls in his way.

A Lawyer

A man who, when he meets with an oyster, takes the fish to himself and give the shells to his clients.

The Four Cardinal Virtues

A good estate, a good constitution, a good-humored wife and a pretty mistress.

Pennsylvania Packet and Daily Advertiser, April 11, 1787

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JOSEPH NETTIS

NIGHT LIGHT — *Fireworks flank Independence Hall where the Constitution was born.*



MARCIA CONRAD

WE THE PEOPLE — *America*

THE NATION CELEBRATES

AS VISIONARY as they were, the 55 delegates who gathered in Philadelphia in 1787 probably never could have imagined how much their efforts would be lauded 200 years later. In almost every town and city, large and small, Americans are celebrating the bicentennial of the U.S. Constitution in countless ways. In Philadelphia, birthplace of the nation, observances have been scheduled nearly all year long, and the festivities will be highlighted on Constitution Day with a parade extravaganza.

In other cities, celebration plans range from the sedate to the magnificent. For example, after witnessing a re-enactment of the signing of the Constitution, residents and visitors of Albany, N.Y., signed a 50-foot scroll containing the Preamble. Meanwhile, St. Louis had a huge parade, fireworks, movie stars and pop singers to honor the occasion.

But Philadelphia appropriately leads the way. Philadelphia Mummers started the year off with a patriotic theme to their marathon 12-hour New Year's Day parade. Exhibits, such as the human story of the Constitutional Convention, are open throughout the year. The "Miracle at Philadelphia" exhibit features four original drafts of the Constitution and blends James Madison's journal with computer graphics and innovative technology to portray the struggles of the nation's early leaders.

In May, a festival called "All Roads Lead to Philadelphia," featured mock trials and gave visitors the freedom to speak their minds on a specially built soapbox. Colonial foods, crafts and

STREET BEAT — *Pennsylvania's colonial militia marches into town.*



JOSEPH NETTIS

FLAG-TASTIC — *Mummers Parade in Philadelphia lasted 12 hours.*



MARCIA CONRAD



ock to parades honoring 200 years of self-rule.



BILL WEST

HERE HE COMES — *"Benjamin Franklin" awaits Washington's arrival.*



MARCIA CONRAD

FLYIN' HIGH — *A balloon launch at Independence Hall recalls the first Convention day.*

music also were offered.

In June, syndicated columnist Art Buchwald and comedian Mark Russell led a conference on political humor and examined the freedoms political humorists enjoy in the United States compared to other countries.

BOTH chambers of Congress met in a pavilion on Independence Mall in July, the first time in history that Congress convened outside the seat of government in Washington, D.C. The month also included a festival of marching bands, fireworks and a hot-air-balloon race.

Thousands of Americans across the nation journeyed to Philadelphia in August to attend a national art festival with jazz and folk music, sculptures and murals, and theater performances.

The largest parade ever in America has been planned for Constitution Day, Sept. 17, the date 39 of the 55 delegates signed the Constitution two centuries ago. Four separate processions are scheduled to converge on Independence Hall.

Whether it's in Philadelphia or elsewhere, Americans are being reminded about the importance of the Constitution in many ways during this bicentennial year.

Surely, one question must be paramount on the minds of many Americans this year: "How free would we be today without the Constitution?" □

POINT

THE VISION OF OUR TIMES

By William J. Brennan Jr.

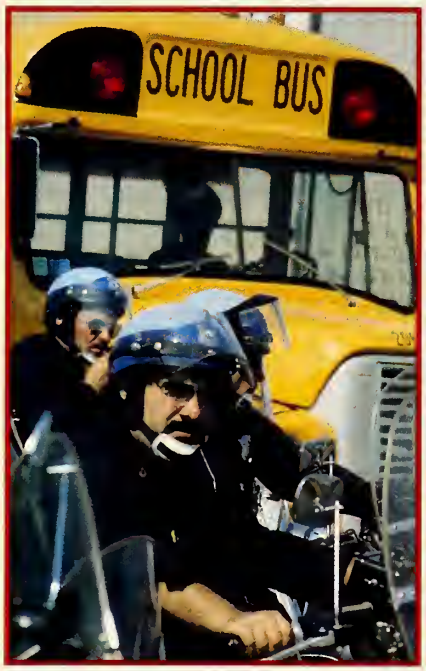
THE Constitution is fundamentally a public test—the monumental charter of a government and a people—and a Justice of the Supreme Court must apply it to resolve public controversies. From our beginnings, a most important consequence of the constitutionally created separation of powers has been the American habit of casting social, economic, philosophical and political questions in the form of law suits, in an attempt to secure ultimate resolution by the Supreme Court. In this way—extraordinary to other democracies—important aspects of the most fundamental issues confronting our democracy may finally arrive in the Supreme Court for judicial determination.

Not infrequently, these are the issues upon which contemporary society is most deeply divided. They arouse our deepest emotions. The main burden of my 29 years on the Supreme Court has been to wrestle with the Constitution in this heightened public context, to draw meaning from the text in order to resolve public controversies.

Three defining characteristics of my relation to the constitutional text—its public nature, obligatory character and consequentialist aspect—cannot help but influence the way I read that text. When Justices interpret the Constitution they speak for their community, not for themselves alone. The act of interpretation must be undertaken with full consciousness that it is, in a very real sense, the community's interpretation that is sought. Justices are not platonic guardians appointed to wield authority according to their personal moral predelictions.



William J. Brennan Jr. is an Associate Justice of the Supreme Court of the United States.



WYMAN/SYGMA

SCHOOL BUSING — ***The Supreme Court regularly interprets the Constitution to resolve contemporary issues.***

Precisely because coercive force must attend any judicial decision to countermand the will of a contemporary majority, the Justices must render constitutional interpretations that are received as legitimate. The source of legitimacy is, of course, a wellspring of controversy in legal and political circles. At the core of the debate is what the late Yale Law School professor Alexander Eickel labeled "the countermajoritarian difficulty." Our commitment to self-governance in a representative democracy must be reconciled with vesting in Justices, who are not elected by the people, the power to invalidate the expressed desires of representative bodies on the ground of inconsistency with higher law. Because judicial power resides in the authority to give meaning to the Constitution, the debate is really a debate about how to read the Constitution and what is legitimate interpretation.

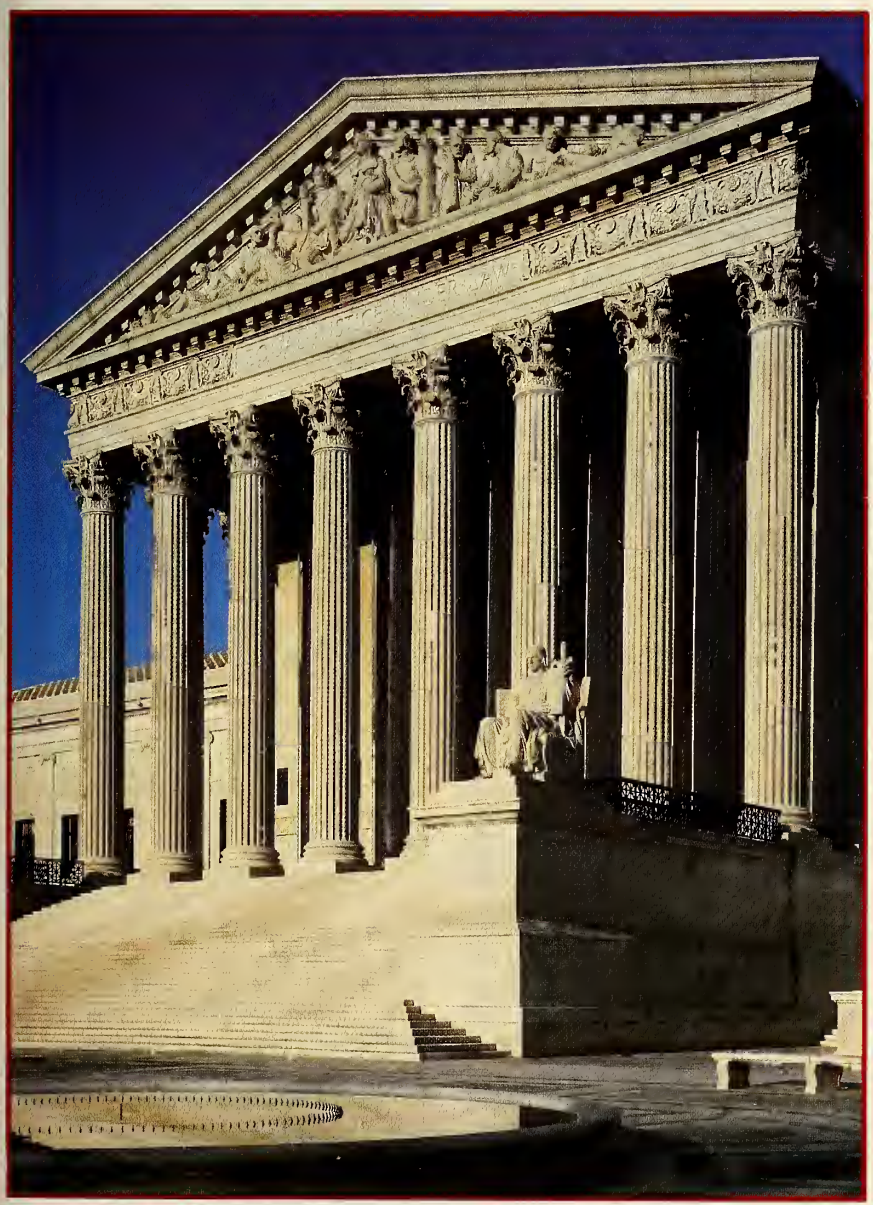
There are those who find legitimacy in loyalty to what they call the intentions of the framers. This view demands that Justices discern exactly what the framers thought about the question under consideration and simply follow that intention in resolving the case before them. It is a view that feigns self-effacing deference to the specific judgments of those who forged our original social compact. But in truth, it is little more than arrogance cloaked as humility. It is arrogant to pretend that from our vantage we can gauge accurately the intent of the framers on application of principle to specific, contemporary questions. All too often, sources of potential enlightenment such as records of the ratification debates provide sparse or ambiguous evidence of the original intention.

Typically, all that can be gleaned is that the framers themselves did not

agree about the application or meaning of particular constitutional provisions, and hid their differences in cloaks of generality. Indeed, it is far from clear whose intention is relevant — that of the drafters, the congressional disputants, or the ratifiers in the states — or even whether the idea of an original intention is a coherent way of thinking about a jointly drafted document drawing its authority from a general assent of the states. And apart from the problematic nature of the sources, our distance of two centuries cannot but work as a prism refracting all we perceive. One cannot help but speculate that the chorus of lamentations calling for interpretation faithful to original intention — and proposing nullification of interpretations that fail this quick litmus test — must inevitably come from persons who have no familiarity with the historical record.

Perhaps most importantly, while proponents of this facile historicism justify it as depoliticization of the judiciary, the political underpinnings of such a choice should not escape notice. A position that upholds constitutional claims, only if they were within the specific contemplation of the framers, in effect establishes a presumption of resolving textual ambiguities against

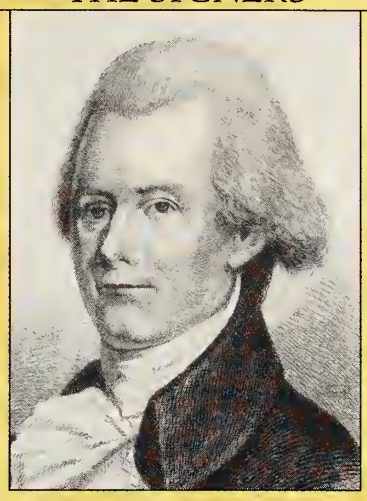
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H. ARMSTRONG ROBERTS

HIGHLY VOLATILE — ***Supreme Court decisions such as defending women's right to abortion have deeply divided the nation and often pitted mother against daughter.***

THE SIGNERS



William Few

AMERICAN history is repleat with self-made people, the irrepressible underdogs who emerge as champions of the common man. Among that illustrious honor roll stands William Few.

Born into poverty in 1748, Few and his family moved to the fringes of North Carolina's frontier, where he worked the land by day and read law books by night, later becoming an attorney. His family moved to Georgia following their participation in an economic uprising known as the Battle of Alamance.

When war clouds gathered over the colonies in 1776, Few became a formidable field commander, using his frontiersman skills against the invading Redcoats and establishing himself as a superb logistician in handling supplies and troops.

Few's military successes were rivaled only by the political service he performed in the Continental Congress and Georgia Legislature following the Revolution. Few strongly supported all efforts to create a strong and effective national union of states and lobbied hard to ensure that the Continental Congress would approve the proposed constitution. He later would serve in the U.S. Senate and as a circuit judge. Few's many accomplishments bear witness to the classic American ethic of hard work and an indomitable spirit. — *Joe Stuteville* □

COUNTERPOINT

THE CONSTITUTION IS WHAT THE JUDGES SAY IT IS

The job of the Supreme Court justices is to interpret the Constitution, not to amend it under the guise of interpretation.



GRACE/SYGMA

By James J. Kilpatrick

IN 1907, Gov. Charles Evans Hughes of New York made an off-the-cuff speech at Elmira. As he talked about the judiciary and the respect that is owed it, one observation became immortal: "We are under a Constitution," said Hughes, "but the Constitution is what the judges say it is . . ."

Hughes insisted later that he had meant no disrespect to the bench. He intended no flippancy and regarded the courts as "the safeguard of our liberty." We may take Hughes at his word. All the same, he uttered a profound, enduring and disturbing truth. At any given moment, on any given question, the Constitution is exactly that: *It is what the judges say it is.*

There is no way it could be otherwise. The Constitution does not say in so many words that the Supreme Court has power to decree what is and what is not constitutional, but the power is clearly implicit. The Constitution says the court's jurisdiction "shall extend to all cases, in law and equity, arising under this Constitution." In order to decide a case "arising under this Constitution," the court necessarily must say what the Constitution means.

How are judges to determine what the Constitution *is* or what the Constitution *means*? The question has divided jurists, scholars and commentators since the republic began. On one side are the strict constructionists, who contend that the highest duty of a judge is to search for the intention of the framers and ratifiers. On the other side are the flexible constructionists, who insist that original intention, even if it could be clearly discerned, is irrelevant in deciding contemporary issues.

This dispute flared dramatically in 1985. Attorney General Edwin Meese, speaking for the strict constructionalists, made a well-publicized speech in July defending that point of view. On Oct. 12, in a carefully drafted address at Georgetown University, Associate Justice William J. Brennan took the other side.

Brennan observed that the Constitution is not crystal clear; that it is filled with "majestic generalities." One could cite a hundred words that are subject to interpretation. What is meant by "the manner" of holding elections? What is "commerce" among the several states? What is "a useful art"? What is a "privilege"? An "immunity"? What judicial behavior is "good"? Justice Brennan contended that the words of the Constitution, as they apply to cases at law, have to be interpreted.

But Brennan scoffed at the notion that it is possible in 1987 for judges to determine what the framers meant in 1787. Such an effort, he said, merely "feigns self-effacing deference." Evidence of intention usually is obscure or conflicting. Sources of enlightenment are sparse or ambiguous. It is arrogant, he said, "to pretend that from our vantage we can gauge accurately the intent of the framers on application of a principle to specific, contemporary questions."

But if it is difficult or impossible to determine original intention, what



James J. Kilpatrick is a nationally syndicated columnist and expert on the U.S. Constitution.



should judges do? "We current justices," said Brennan, "read the Constitution in the only way that we can: as 20th Century Americans." The ultimate question must be, "what do the words of the text mean *in our time*?" The task of judges, in his view, is to speak for the community. The act of interpretation must be undertaken "with full consciousness that it is, in a very real sense, the community's interpretation that is sought." And the court should not hesitate to change its interpretation as the years go by. Jurisprudence demands some flexibility.

PUTTING ON THE ROBES, PUTTING ASIDE PREJUDICES

As Brennan himself acknowledged, federal judges are electorally unaccountable. They are subject to no political restraints, they cannot be voted out of office and their terms do not expire.

JUSTICE BRENNAN: ***"We current justices read the Constitution in the only way that we can — as 20th Century Americans."***

The acts of Congress may be amended or repealed, and executive orders may be withdrawn, but a constitutional interpretation by the Supreme Court may be overturned only by the court itself, or by the process of amendment. And constitutional amendment, Brennan observed, "requires an immense effort by the people as a whole."

If these observations are understood merely in a sense of timely updating of particular provisions, no objection can be taken. The founding fathers could not have foreseen television, a Federal Communications Commission, jet planes. Obviously the Constitution must be adapted to changing technology.

But what Brennan and the late Justice William O. Douglas had in mind would vest in judges the power not only to determine the needs of the day and the desires of the community, but also the power to impose their determinations by force of law. Their idea would have judges sit on a kind of permanent con-

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THE SIGNERS



Gouverneur Morris

IT IS surprising that Gouverneur Morris would become an important force in America as it groped its way toward nationhood. After all, this peg-legged New Yorker was half-brother to a British general and his mother rejoiced when the Redcoats occupied New York.

In 1775, Morris, 23, entered the New York provincial assembly where he was the chief draftsman of the colony's first constitution — a document that called for religious freedom, although he was less successful in obtaining an express prohibition of the slavery in the state. He joined the Continental Congress in 1777, and when British Lord North proposed negotiating an end to the Revolution, Morris framed the response that American independence was a non-negotiable prerequisite to any peace agreement.

After the Revolution, Morris devised a decimal money system for the nation's new economy, inventing the term "cent" for the country's basic coin.

He served as minister to France, U.S. Senator and was the visionary behind the construction of the Erie Canal. At the Constitutional Convention, Morris used his wit to relieve the tensions that prevailed among the delegates and it was he who was responsible for much of the document's phrasing. *— James Kramer* □

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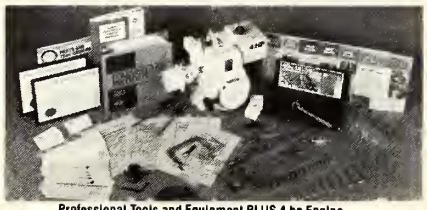
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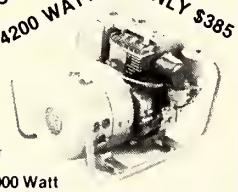
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VISION OF TIMES

Continued from page 69

the claim of constitutional right. It is far from clear what justifies such a presumption against claims of right. Nothing intrinsic in the nature of interpretation — if there is such a thing as the nature of interpretation — commands such a passive approach to ambiguity. This is a choice no less political than any other; it expresses antipathy to claims of the minority against the majority. Those who would restrict claims of right to the values of 1789 specifically articulated in the Constitution turn a blind eye to social progress and shun adaptation of overarching principles to changes of social circumstances.

Another, perhaps more sophisticated, response to the potential power of judicial interpretation stresses democratic theory; because ours is a government of the people's elected representatives, substantive value choices generally should be left to them. This view does not emphasize the transcendent historical authority of the elected branches of government. Yet it has similar consequences for the nature of proper judicial interpretation. Faith in the majoritarian process counsels restraint.

Even under more expansive formulations of this approach, judicial review is appropriate only to the point it ensures that our democratic process functions smoothly. Thus, for example, we would protect freedom of speech merely to ensure that the people are heard by their representatives, rather than as a separate, substantive value. When, by contrast, society tosses up to the Supreme Court a dispute that would require invalidation of a legislature's substantive policy choice, the court generally would hold back because the Constitution was meant as a plan of government and not as an embodiment of fundamental substantive values.

The view that all matters of substantive policy should be resolved through the majoritarian process has appeal under some circumstances, but I think it ultimately will not do. It is the very purpose of a constitution — and particularly of the Bill of Rights — to declare certain values transcendent, beyond the reach of temporary political majorities. The majoritarian process cannot be expected to rectify claims of minority right that arise as a response to the outcomes of that very majoritarian process. As James Madison put it:

"The prescriptions in favor of liberty ought to be levelled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power. But this is not found in either the Executive or Legislative departments of Government, but in the body of the people, operating by the majority against the minority," (I Annals 437).

Faith in democracy is one thing, blind faith quite another. Those who drafted our Constitution understood the difference. One cannot read the text without admitting that it embodies substantive value choices; it places certain values beyond the power of any legislature. Obvious are the separation of powers; the privilege of the Writ of Habeas Corpus; prohibition of Bills of Attainder and ex post facto laws; prohibition of cruel and ususual punishments; the requirement of just compensation for official taking of property; the prohibition of laws tending to establish religion or enjoining the free exercise of religion; and, since the Civil War, the banishment of slavery and official race

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BOSTON

IS IT not astonishing, says a correspondent, that, throughout the United States, there is such mortal lanquor and lethargy in all our public councils? — Where is our Congress? What intelligence do the members of that august body hold with foreign nations, that the deepest-laid scheme for our extirpation, as a people, do not reach them? In what readiness are we to defend our frontiers, and to protect our wives, our children, and estates from the most barbarous enemy? In what readiness are we to prevent a revolt; in some parts of the union, to our former enemy, who surrounds us on every side? We are on the verge of the most dangerous precipice. Rise! Rise! my countrymen, as one man, and secure the blood-purchased inheritance of our fathers from the ruin that hangs over it!

Pennsylvania Packet and Daily Advertiser, Nov. 10, 1786

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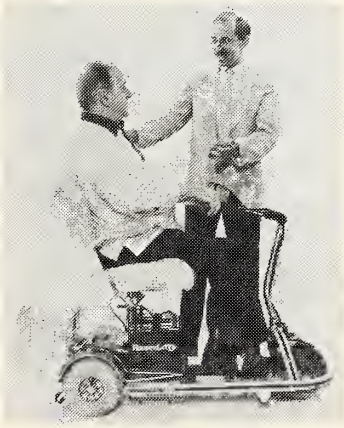
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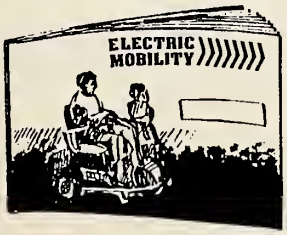
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VISION OF TIMES

Continued from page 72

discrimination. With respect to at least such principles, we simply have not constituted ourselves as strict utilitarians. While the Constitution may be amended, it requires an immense effort by the people as a whole.

To remain faithful to the content of the Constitution, therefore, an approach to interpreting the text must account for the existence of these substantive value choices, and must accept the ambiguity inherent in the effort to apply them to modern circumstances.

The framers discerned fundamental principles through struggles against particular problems forced on them by the British Crown. Our acceptance of the fundamental principles has not, and should not, bind us to those precise, at times anachronistic, contours of our Constitution. Successive generations of Americans have continued to respect those fundamental choices and adopt them as their own guides to evaluating quite different historical practices.

Each generation has the choice to overrule or add to the fundamental principles enunciated by the framers; the Constitution can be amended or it can be ignored. Yet with respect to its fundamental principles, the text has suffered neither fate. Thus, in the words of an esteemed predecessor, Justice Robert Jackson, the burden of judicial interpretation is to translate "the majestic generalities of the Bill of Rights, conceived as part of the pattern of liberal government in the 18th century, into concrete restraints on officials dealing with the problems of the 20th century."

The current Justices read the Constitution in the only way that we can: as 20th Century Americans. We look to the history of the time of framing and to the intervening history of interpretation. But the ultimate question must be, what do the words of the text mean in our time. For the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs. What the constitutional fundamentals meant to the wisdom of other times cannot be their measure to the vision of our time. Similarly, what those fundamentals mean for us, our descendants will learn, cannot be the measure to the vision of their time. ☐

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You cannot fail with this TWO WAY reducing system. Now with this Miracle of Modern Science you can start today to transform your old flabby body into a **new slender** more **youthful body. It's incredible but true!** Begin to wash away years of stubborn fat build-up. **LET THIS TRULY WONDER WEAPON WORK FOR YOU.** Win your battle with bulging pockets of fat. **THE FAT ATTACKER** in the Total Diet is **so powerful** that you will start to see **ugly pockets of fat** and **flab** begin to disappear from your **stomach,** your **rear,** your **thighs,** and from sagging **breasts** and droopy **arms** right away. **Forget anything you have ever tried before. THIS IS IT! From the very first day you will notice the difference and WHAT A DIFFERENCE !** The Total Diet is **safe** and **gentle** but **powerful.** It contains no harmful drugs. No stimulants of any kind. Yet the **fat attacker** in the Total Diet **totally destroys fat and fluids** that have dragged you down for years.

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Developed by leading weight loss specialists after years of study and constant research this **SAFE AND PROVEN METHOD ATTACKS FAT TWO WAYS.** First, it speeds up your body's rate of **fat burn off** to the maximum while at the same time, it literally flushes the excess fluids from your system. **YOUR BODY WILL BE TURNED INTO A SUPER FAT BURNING MACHINE.** This anti-fat **wonder weapon attacks** and **destroys** pockets of **fat** and **flab** and allows you to lose weight from **legs, thighs, rear, stomach** and **sagging breasts.** As each moment goes by, the fat burning formula is **constantly at work.** Even while you are sleeping and your body is at rest **this incredible fat attacker is always working.** Hour by hour, minute by minute, round the clock the food you eat is turned to burned away energy.

100% MONEY BACK GUARANTEE

WE GUARANTEE THE TOTAL DIET PLAN TO BE THE FASTEST SAFEST EASIEST WAY TO LOSE WEIGHT IF FOR ANY REASON YOU ARE NOT COMPLETELY SATISFIED JUST RETURN THE UN USED PORTION FOR A FULL NO QUESTIONS ASKED REFUND THIS IRON CLAD GUARANTEE IS YOUR ASSURANCE YOU WILL RECEIVE A QUALITY PRODUCT THAT REALLY WORKS.

YOU CAN LOSE UP TO



20 LBS. 1st. WK.

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FASTEST EASIEST WAY TO LOSE WEIGHT!

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10,000 ATTEMPTS TO ALTER THE CONSTITUTION

By David Mannweiler

Faced with numerous proposed amendments to the Constitution, Congress wisely has rejected most of them.

REPEAL the 22nd Amendment! Give Ronald Reagan a third term and four more years!"

Letters containing that proposal landed in the mailboxes of 1.3 million Republicans in September 1986. Championing the repeal plea was Guy Vander Jagt, chairman of the House Republican Campaign Committee, and Max Hugel, a New Hampshire businessman who formed Project 88 to whip up public support for the idea.

Could it be done by the time Reagan's second term ends in January 1989? Vander Jagt said he was dead serious about undoing the amendment that limits a President to two terms. Democrats noticed a request for donations on the bottom of Vander Jagt's letter and labeled it a fund-raising ploy.

All that had to be done, Vander Jagt said, was for both houses of Congress to pass resolutions repealing the 22nd Amendment and then whip it on to the states for quick ratification. In 1971, he noted, the 26th Amendment giving 18-year-olds the right to vote was approved by the necessary 38 states in less than 120 days.

But in its fall session in 1986, Congress never got around to passing resolutions to repeal the 22nd Amendment. The idea has died — for now.

Amending the Constitution is not easy. It was never intended to be. The founding fathers knew amendments were inevitable. James Madison wrote, "In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce."



David Mannweiler, an award-winning columnist for a major daily newspaper, is a veteran of government reporting.

Article Five of the Constitution outlines how changes can be made: amendments can be proposed by two-thirds of the members of each house of Congress or by a national convention called by Congress, when requested by two-thirds of the states. Amendments then must be ratified (approved) by three-fourths of the state legislatures or by three-fourths of state conventions.

Congress has considered 10,124 proposed amendments to the Constitution, but only 33 have been sent on to the states. Twenty-five of those have been ratified by the state legislatures and one, the 21st Amendment repealing Prohibition, was ratified by state conventions.

In recent years, the states have told Congress the Constitution should be altered to limit presidents to a single six-year term, to ban abortions, to restore prayer in schools and to outlaw racial quotas and school busing. Congress hasn't sent any of those ideas to the states as proposed amendments.

The last proposed amendments to make the rounds of the states were the Equal Rights Amendment and a call for statehood for the District of Columbia. Both foundered.

Among the other proposed constitutional changes that never made it are:

1789 — Allow Congress to resettle the poor.

1806 — Forbid government contractors to be elected to Congress.

1808 — Elect the President from among the retiring senators.

1808 — Abolish the vice president's office.

1810 — Legalize slavery.

1810 — Revoke the citizenship of any American accepting a title of nobility or an honor from a foreign power.

1811 — Forbid relatives of congressmen from being appointed to civil offices.

1816 — Elect the President by popular vote.

1822 — Cut up the country into four districts that each would have its own president.

1826 — Set an age limit on judges.

1828 — Outlaw dueling.

1829 — Distribute surplus federal money to the states.

1832 — Create a colony for "free people of color."

1848 — Allow the voters to elect postmasters.

1860 — Create a Senate for the North and a Senate for the South, with all laws approved by both.

1864 — Elect the President from the

Please turn to page 101



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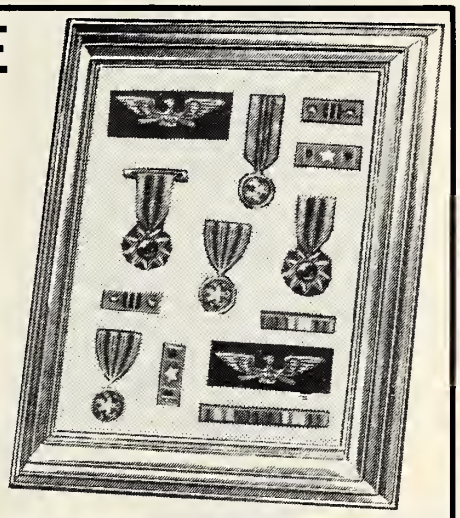
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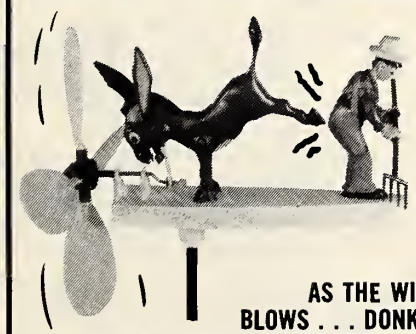
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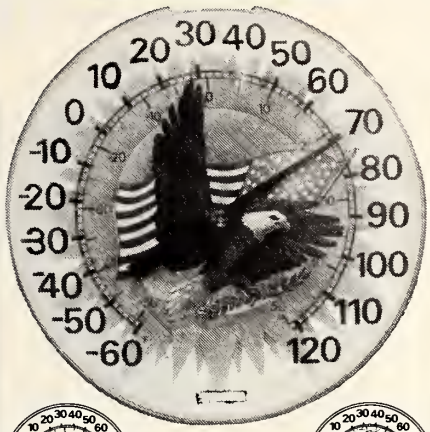


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REAL ACTION! As the wind blows, the little donkey rears up and kicks the farmer in the pants. Colorful, non-stop action even with the slightest breeze. These folksy "whirl-a-gigs" have been crafted from **weatherproof** materials and they will delight you and the neighbors for years and years. Measures 11½" long.

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• Mallards In Flight • Deer Winter Scene

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For FASTER U.P.S. Delivery Use Street Address & Apt. #

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LIBERTIES

Continued from page 47

deny or disparage others retained by the people." The courts have been reluctant to afford protection to rights not mentioned, but in fact they have found a number of them in the "liberty" that the Constitution protects. For example, the courts have found in that liberty the protection for a zone of privacy, an area of autonomy in which one's right to decide for oneself is not to be lightly invaded by government. It was in that zone of privacy that the courts found protection for the right to use contraceptives, or for a woman's right to have an abortion. Those particular decisions have been questioned, but no one would deny that there is a zone of privacy not specified in the Bill of Rights that the Constitution does and should protect — decisions as to whether to have children and how many, how we shall raise our children or select our friends, what careers we shall pursue, where we shall live — and other such matters that are not the government's business.

As adopted, the Bill of Rights had one major deficiency. While equality was the basis of the Declaration of Independence, the word does not appear in the original Constitution nor in the Bill of Rights. We were a slave society in 1787, and lesser racial, religious and other inequalities also were rampant. Finally, in 1868, the *14th Amendment* to the Constitution prohibited the states from denying to any person the equal protection of the laws.

Originally, the Bill of Rights did not apply to the states. Individual rights were protected against violation by the states only through the state constitutions and the state courts. After the Civil War, the *14th Amendment* provided federal safeguards against abridgment by the states of the privileges and immunities of U.S. citizenship, against deprivation by the states of life, liberty and property, and against denials by the states of the equal protection of the laws. In time, the Supreme Court concluded that almost the whole of the Bill of Rights is applicable to the states.

Today, something is missing from our Bill of Rights. There is no provision for suspending any part of the Constitution. Even in war, we are governed by the Constitution and by our elected representatives. The privilege of the writ of habeas corpus can be suspended only by Congress, only in cases of rebellion or foreign invasion, only if the public safety requires it. □

PHILADELPHIA

WHEREAS my wife, Elizabeth Derrick, has eloped from my bed and board without any just cause: this is therefore to forewarn all persons from trusting her on my account, as I will not pay any debt of her contracting from this date. As witness my hand, John Derrick

N.B. She is supposed to have gone off with one John Bell, and has taken with her a small boy about 9 or 10 years of age. If she is not with said Bell, and returns in a reasonable time, she will be accepted.

Pennsylvania Packet and Daily Advertiser, Feb. 13, 1787

The NEW Florida Lifestyle from WFC

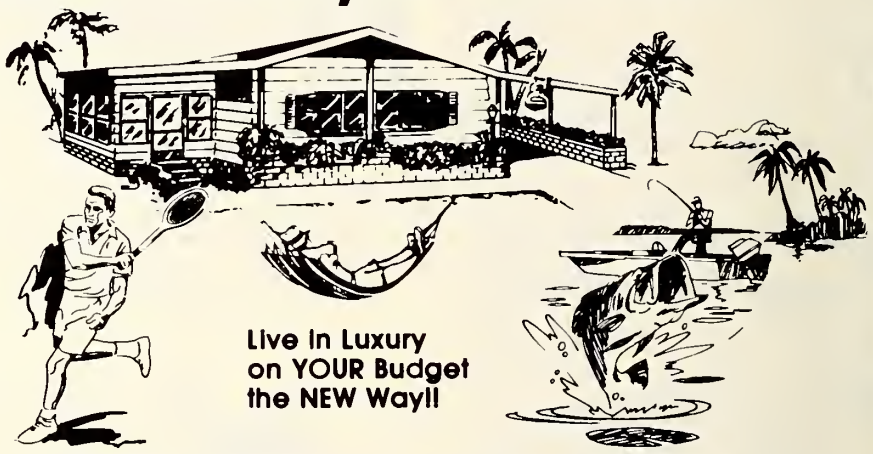
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Michigan Man Discovers "Underground" Lottery Report— *Wins $1,110,198.00.*

Will Richey is convinced he has discovered the *absolute* way to play the Lottery.

W. Richey of Michigan was skeptical when he heard the story about a "hot" Lottery Report that was going around: *Supposedly anyone who got a copy immediately won the Lottery.* He laughed. "It must be a put on—a Scam," he told his wife.

He was a practical family man. He believed in hard work—not daydreaming. With a wife and twin teenage girls to support, he toiled long hours at his carpet store. But he still couldn't keep up with bills... and meanwhile he kept thinking about this special 'underground' Report: *He knew he could get one for himself for only $10.* "If this *is* a Scam all you lose is ten dollars," his wife said to him.

So he sent away for this 'underground' Report. *When it came, he used it—SO FAR, HE'S WON THE LOTTERY THREE TIMES IN 10 DAYS FOR $1,110,198.00.* "For ten dollars, I found out how to win a million dollars."

Other people in America used this Report. Here's what happened to them:



He wins $427,800.00.
G. Hartung of Pennsylvania, wrote, "to be honest, when I received the Lottery Report I was skeptical but determined to give it a try. And when I tried it, I WON $427,800.00"



They win 60 Times in five months.
Tom Mayer and his wife played the Lottery for three years without winning. But all that changed when they got the Report. *In the last five months this 'Can't Miss' system has netted them 60 winning tickets and $1.4 MILLION!*



He hits $13.7 Million Jackpot.
Working an assembly line to support his family, Manuel Garcete had unsuccessfully played the Lottery many times. When he received his special report, he picked a number combination as directed in the New York State Lottery. AND HIT THE $13.7 MILLION JACKPOT.



He wins $310,000.00.
Ken Mathis—a gambling and wagering buff—never had a Big Hit in the Lottery. But when he obtained this special Lottery report...he used it picking a Lottery number combination...AND WON $310,000.00.



They win $517,000.00
Max and Wonda Harrell—down to their last few dollars—sent for this special Report. After reading it, they saw their chances of winning were so great, they *"actually expected to win."* And win they did—MORE THAN $517,000.00.



He wins $604,000.00.
Leavelle Carter—a successful executive/computer programmer—played the Lottery for years without real luck. After receiving this hot Report, he used it in the Washington D.C. Lottery AND WON $604,000.00.



She hits $10.1 Million Jackpot.
She's a rural housewife who wants to remain anonymous. When she received this insider's Report, she used the information to pick a Lottery combination—AND SHE WON MORE THAN $10 MILLION. (Major newspapers described how she used the hot "Lottery Report" to win the jackpot.)



Mr. and Mrs. Richey are calmly preparing for their next Lottery win! Says Mrs. Richey: "I'm going to Win again and again. With this Report I'm sure of it."

Gail Howard—the genius behind this Special Report—playing her own system 104 times in 12 months—*Wins 72 Times!*



Lottery players throughout America are now taking notice of Gail Howard and her hot Lottery Report. A numbers genius, she spent two long years developing this proven way to beat the Lottery. Then she tested it, playing the Lottery 104 times within a 12-month period—and winning an amazing 72 Lottery prizes.

Why has she gone public with this hot Lottery report and released her 'Can't Miss' System? *"Because I have all the money I need. Frankly, this is my chance to become the most famous woman in America. To be known—by millions—as the woman who beat the Lottery... and enabled others to beat it too."*

If you are skeptical about how this Lottery Report can make you win, read this.

Recently, a Professor of Statistics found out about this Lottery Report. At once he was skeptical of the claims. He obtained a copy of the Report and conducted an extensive in-depth analysis. His findings put to rest his skepticism:

"This Report increases one's chances of winning the State Lottery—and other similar Lotteries—by well over 500%. Anyone attempting the Lottery would be foolish not to use this information," he concluded.

With this Report in your hands, you can expect to win the Lottery just like Gail Howard and other people have. If you are an adult preparing to enter your State or any State or Canadian/international Lottery, you may receive a copy of this Special Report.

100% Money Back Guarantee!

Please realize this: *Once you receive your Lottery Disclosure Report, the amount of money you can win depends upon the "pot" of the lottery. (It might be well up in the millions or it may be thousands.)*

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George Washington

FORGING A VISION OF COUNTRY



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OLD RELIABLE — ***Whenever a crisis developed, Washington was always there to bail out the nation and help shape its destiny.***

By Dr. Clarence B. Carson

AT EVERY critical juncture of the nation's founding, from 1774-1797, George Washington was at the center and, most often, at the forefront of momentous events. He was a delegate both to the Continental Congress from Virginia in 1774 and to the much more momentous assemblage of that body in 1775. Even before the Second Continental Congress met, the Battles of Lexington and Concord had been fought and the war had begun.



Dr. Clarence B. Carson is a noted historian and author of ***The Beginning of the Republic*** *and* ***Rebirth of Liberty.***

Washington's service as a delegate was shortlived, for he was unanimously chosen to serve as commander-in-chief of the Continental Army. From mid-1775 until the last British troops had withdrawn from New York City in 1783, he presided over whatever military forces Congress and the governors of the states provided.

As the government organization under the Confederation proved increasingly unequal to its task, Washington presided over the convention at Philadelphia in 1787 while delegates struggled all summer to produce what became our Constitution. Washington tried to dissuade those who had appointed him as delegate, arguing that he suffered from rheumatism and was already too pressed to meet all his other commitments, including the affairs of his plantation. But his supporters insisted on his attendance. Indeed, Washington's presence was essential: It indicated to all that important business was afoot, and that something would almost certainly be accomplished. As might have been expected, Washington was elected as chairman of the Convention, and he served conscientiously through almost endless debates until the Constitution was produced and signed.

When the Constitution was ratified, Washington was chosen unanimously to become the nation's first President. Indeed, it had been the prospect of Washington becoming President that induced many delegates to quit wrangling over the dangers of having a single executive at the head of government and accept an arrangement that still continues today.

Why was it that Washington was always considered to be the essential man to preside over great undertakings? How could one man play such a large part in the founding of a nation? Washington, perhaps, made his only attempt to answer those questions in 1799 when he responded to a friend's comments about the great public favor Washington enjoyed. Washington wrote that in carrying out his duties and responsibilities over the years he had "always walked on a straight line." That is, he had made his way to his distant goals, either those of his own choosing or those set for him as public duties, on a straight line, without currying favor in a way that would divert him from his path. As a mature man, he had followed that line with patience, with iron determination, and above all, with perseverence. So it had been during the long and trying war that had brought America independence. So it was, too, during a Constitutional Convention that threatened so often to disintegrate with nothing accomplished.

Washington had a vision he shared with the best and most faithful of his countrymen, a vision of a free and independent America — a united continent, bound together under a strong but limited government, a nation among nations in the world, yet a federal union of states at home linked together by common interest. These were distant goals during the long, arduous and often discouraging war; a lesser man than Washington would have resigned two dozen times in the course of the war. Yet he persevered and triumphed over insurmountable obstacles in the War for Independence. As he moved nearer to his goal, he continued on his straight line and realized not only the birth, but also the establishment of the United States on a firm foundation. □

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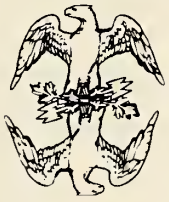
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Articles of Confederation
THE FIRST CONSTITUTION

By Andrew W. Allison

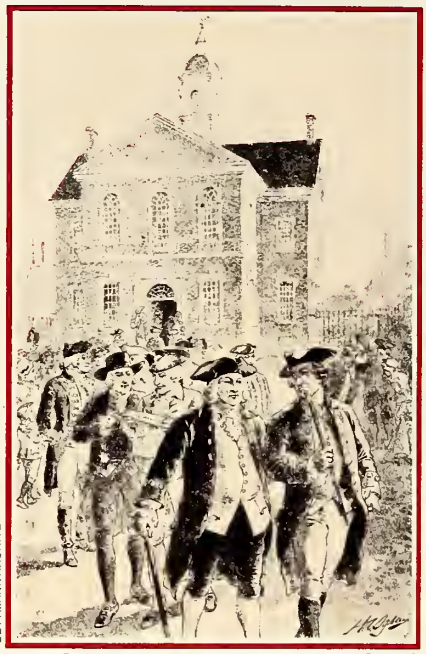
SINCE celebrating our nation's bicentennial of the Declaration of Independence in 1976, we have changed in many ways, both as people and as a nation. In much the same sense, Americans of 200 years ago experienced a series of profound changes during their first 11 years of independence. Our observance of a second bicentennial in 1987 is a vivid reminder that the great events of that period not only altered the lives of our forefathers, but redefined our nation in ways that continue to affect every American today.

The United States underwent a dramatic political metamorphosis between the years 1776 and 1787. No one knew better than George Washington that the future belonged to the American provinces at the beginning of 1776. British oppression had become so intolerable that the Continental Congress already had organized a Washington-led army to defend the colonists' rights. Appeals to the king persisted in the early months of the war, but repeated rebuffs finally triggered the inevitable. On July 4 the Declaration of Independence was adopted, giving birth to a new nation.

Military victory eventually would validate the declaration, but meanwhile another great question loomed: How would the Americans choose to govern themselves? Members of the Continental Congress were anything but united in their answer. Some wanted to consolidate the states into a single, strong national government with sufficient authority to maintain the order and stability they admired in the British monarchy. Others, unwilling to merely exchange one abusive government for another, favored a loose confederacy in which the 13 states would function as a council of nations, cooperating only for essential common purposes, but retaining complete sovereignty at the state level.



Andrew W. Allison is an author and lecturer for the National Center for Constitutional Studies in Salt Lake City, Utah.



BETTMANN ARCHIVE

A GOOD START — *Delegates to the Continental Congress provided valuable groundwork for the Constitution.*

Many months of bitter congressional debate, frequently interrupted by the urgencies of war, at last produced the Articles of Confederation, a "firm league of friendship" among the states "for their common defense, the security of their liberties, and their mutual and general welfare." The document provided for a single-chamber Congress in which each state had one vote. Although this body was authorized to declare war and peace, establish land and naval forces, manage foreign relations, issue and borrow money, and control Indian affairs, the new government also suffered from several fatal flaws: no executive, no judiciary, no enforcement power (James Wilson of Pennsylvania called the Confederation Congress "mere sound"), no power of taxation (all federal funds had to be requisitioned from the states, and over the next few years they supplied only about one-sixth of the money Congress requested), no authority to regulate commerce and no workable amendment process.

After peace with Great Britain was established, the hardships of war were replaced by the perils of freedom. A weak Congress was unable to remedy the severe problems of postwar depression, rampant inflation, heavy public debt, interstate trade barriers, riots such as Shays' Rebellion, and even threats of secession by the New England states.

Americans increasingly recognized that although they had successfully thrown off the yoke of British tyranny, the political pendulum had now carried them perilously close to the opposite end of the spectrum. Washington warned that the nation was "fast verging to anarchy and confusion," yet he held out the hope that a new and "energetic constitution, well-guarded and closely watched to prevent encroachments, might restore us."

Washington's hope was realized when, through his efforts and those of other leading American statesmen, a federal convention met in Philadelphia in the summer of 1787 and fashioned a new plan of government — a people's constitution lodged safely in the center of the political spectrum. Thomas Jefferson, who was aware of these events while serving overseas on a diplomatic assignment, noted that the American people had been "vibrating between too much and too little government" but was confident that "the pendulum will rest finally in the middle." And he was right.

After the new Constitution was ratified and went into effect in 1789, the Articles of Confederation were gladly

Please turn to page 100

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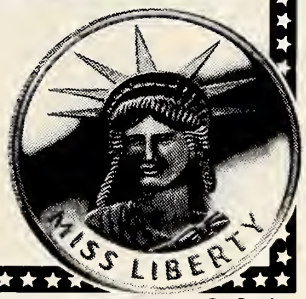
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Continued from page 43

the proposed constitutional change amounted to a transfer of power from the many to the few. From Massachusetts, James Winthrop's "Agrippa" letters attacked on two fronts: the Constitution gave too much power to the central government and left too little to the states, and would create a permanent aristocracy. A leading New York opponent of the Constitution, Melancton Smith, in *An Address to the People of the State of New York,* warned that the Constitution would create an "aristocratic tyranny" that must soon terminate in "despotism." The Antifederalists challenged the practicability of the notion that a federal republic could exercise authority over so vast an extent of territory as the United States and found fault with the kind of dual sovereignty the Constitution envisioned.

The most glaring omission of the Constitution, and one that many Anti-Federalists stressed, was the absence of a Bill of Rights. Such an omission was the special target for a broadside by Virginia's elder statesman, George Mason. His *Objections to the Proposed Federal Constitution* argued that if federal law were paramount, the state bills of rights would be rendered worthless.

In contrast to the Antifederalists, their opponents had a concrete plan, which was endorsed by public figures of commanding prestige and experience, the latter a point that would score heavily in a society still deferential to government by the elite. Despite such advantages and the known support of Washington, the Federalists observed a rising tide of criticism of the Constitution and were concerned that, having won the battle, they might now lose the war. To the Antifederalist barrage they responded vigorously and effectively, most notably in a series of letters to the

MEDICAL ADVICE

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Dr. Percival, in his Philosophical, Medical and Experimental Essays, informs us that... an ounce of the best Mocco coffee, newly burnt, made immediately after grinding it, and taken in one dose, without milk or sugar, is the best abater of the paroxysms of the periodic asthma.

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A Receipt For a Cancer, or any Tumor

Take a half pint of the juice of bean leaves when in blossom, of new cream, a pint, and of the best honey half a pound — Boil them, in a new unglazed pipkin very gently, till half is consumed — Anoint the part affected twice or thrice a day.

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An Infallible Cure for the Bite of a Mad Dog

TAKE the leaves of Rue picked from the stalks and bruised, six ounces; garlic picked from the stalks and bruised, Venice treacle of mithridate, and scrapings of pewter, of each four ounces, boil all these together over a slow fire in two quarts of ale, till one pint is consumed; keep it in a bottle close stopped, and give of it nine spoonfuls a little warm to the person bit seven mornings successfully, and six to a dog to be given nine days after the bite; apply some of the ingredients to the part bitten.

Pennsylvania Packet and Daily Advertiser, 1786

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New York newspapers published between Oct. 27, 1787, and March 28, 1788, and then brought out in book form in June 1788. Writing under the pseudonym of "Publius," the three contributors to *The Federalist* were: Alexander Hamilton, who initiated the plan and wrote 51 letters; James Madison, the Virginian, often called the "Father of the Constitution," and John Jay. Soon to become America's first Chief Justice, Jay wrote five *Federalist* letters, along with his persuasive *An Address to the People of the State of New York*.

The principal task of *The Federalist* was to demonstrate that rejecting the Constitution would create a vacuum of power, a return to the irresolute and impotent Confederation. Its authors felt obliged to reassure their readers that a republican federalism would provide energetic government while preserving personal liberties and taking into account the separate and diverse interests of the 13 states. Such devices as checks and balances, courts composed of judges holding office during good behavior, and representation of the people in the national legislatures by deputies of their own election, would "tend to the amelioration of popular systems of civil government."

"Publius" assured his readers that the government he was debating was *federal* rather than national, although such offices as the presidency combined both federal and national features. Madison sought to reassure the country that the federal principle would guarantee to the people of an extended republic that "a coalition of interests, parties, and sects which it embraces, a coalition of a majority of the whole country, would seldom take place on any other principle than those of justice and the general good," while safeguarding minority rights.

How effective *The Federalist* may have been in winning votes for the Constitution outside New York and Virginia, where its authority was widely recognized, may well be a matter of debate, but it has since come to be accepted as an incomparable exposition of the Constitution, a classic in political science unsurpassed in both breadth and depth by the product of any later American writer.

As a whole, the press 200 years ago expounded the Constitution's merits with more success than today's media have had in educating the public how the government under the Constitution is supposed to work, how it really works, and why this magnificent charter has served the people so well. □

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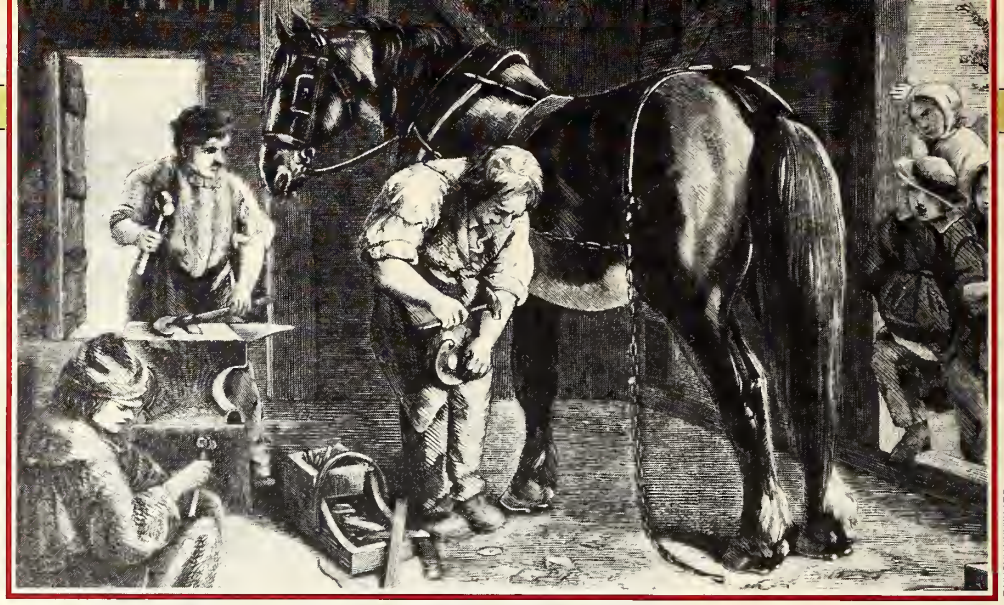
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WHAT AMERICA MEANS TO ME

By W. Clement Stone

America's greatness rests in its endless opportunities for success, says a leading entrepreneur.

CHANGE is a hallmark of American society. But from my vantage point of more than 80 years in business (I began selling newspapers to help my widowed mother when I was 6), the most important things about our country are those that have not changed.

Opportunity is among the foremost of these. To millions of immigrants in the last two centuries, America was synonymous with the phrase, "the land of opportunity." The freedom to seek one's individual fortune was among those blessings of liberty secured by our Constitution.



W. Clement Stone, an author of several books on success, is an insurance executive, philanthropist and Chicago civic leader.

That has not changed. There are some who believe, perhaps, that there is less opportunity today than there once was. But in reality, opportunity is greater now than ever before. If there is a difference now, amid the complexity and feverish pace of modern life, it is in the degree of individual effort required for the process of recognizing and making the most of opportunity.

That process has been a major focus of my life's work. I have helped others understand it and use it through my Positive Mental Attitude philosophy and through two primary principles of success:

• How to recognize, relate, assimilate and apply principles from what you see, hear, read, think and experience so as to achieve any goal that does not violate the laws of God or the rights of your fellow man (I call this my R2A2 Formula).

• How to use your conscious mind to tap the unlimited powers of your subconscious—your human computer—to solve any problem.

There is nothing new about these principles of success. You can find them suggested in the writings of Benjamin Franklin and some of the other signers of the Constitution. Like all knowledge, they are freely available to any citizen who will expend the effort to learn and apply them.

Embedded in this last observation is the characteristic that truly makes America great. This is the conviction that not only is opportunity available to all, but also so is the freedom to act on it.

To the extent of our individual abilities, we Americans are free to succeed. Of course, we also are free to fail.

But success is never final and failure is never fatal. From this dynamic fact arises the human impetus that pushes America ahead. Thanks to the wisdom of those framers of our Constitution two centuries ago, our nation grows on the strength of a citizenry intent upon self-improvement. □

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CREATED

Continued from page 35

behind closed doors to avoid being influenced by outside lobbyists.

A problem arose at once. Everyone knew Ben Franklin was a notorious gabber. How could the delegates prevent him from leaking some decisions before the convention was ready to announce them? The solution: They all decided that one of them should manage to be present at Ben's almost nightly dinner parties to steer the talk away from the day's proceedings. The ruse worked. Ben was annoyed when he was interrupted, but he was effectively silenced.

After each session, the delegates returned to their lodgings in the taverns clustered near the state house. Many had been surprised and delighted by the low prices they found. As George Mason of Virginia wrote to his son after settling in at the Indian Queen: "We are very well accommodated, have a good room to ourselves, and are charged only twenty-five dollars Pennsylvania currency per day, including our servants and horses." The tavern was a swank one: A liveried servant had waited on the guests.

After disposing of minor procedural matters in the first few days, the real business of the convention began Tuesday, May 29, when 34-year-old Edmund Randolph, the handsome, dark-haired governor of Virginia, placed a 15-point proposal on the table. He and the other delegates from his state had worked on it until nearly dawn for a week.

The result of their labors was the Virginia Plan calling for a strong central government, which could veto laws enacted by the states and would consist of three branches — legislative, executive and judicial — each carefully structured to check on the powers of the others. In addition, there would be two houses in the Congress, an upper and a lower, but each with representation in proportion to a state's population.

Instantly the convention exploded into dissension.

Patrick Henry, a charismatic figure in his red Glascow coat, had refused to serve as a delegate, telling the Virginia legislature he "smelt a rat." Now the others knew what he meant. The "rat" was a strong government that would curb the rights of the states, effectively destroying their sovereignty, to which Henry was utterly opposed.

The smaller states were equally angered, knowing they would be dominated in Congress by their larger neighbors. Tiny Delaware's John Dickinson exclaimed furiously that the less populous ones "would sooner submit to a foreign power" than permit this to happen.

The debate raged on. On June 13, New Jersey countered with its own proposal, which permitted a national congress to raise revenues, regulate commerce and enact legislation that would be the "supreme law" over that of the states. But — and this was the key point — there would be only one house in Congress, with each state being equally represented.

The argument see-sawed, large states against small ones, federalists against advocates of state sovereignty. Complicating the discussions was the question of how the southern slaves would be counted for purposes of taxation and representation. By the end of June the battles became so bitter that the convention was on the verge of collapse.

At one point, Ben Franklin, dressed in his customary grey homespun, rose laboriously to his feet and pleaded for daily prayers to ease the tensions. The convention did not heed. The delegates continued to shout threats and accusations. Even Washington lost his temper and assailed opponents of a strong central government as "narrow-minded politicians."

Outside the state house as summer wore on, Philadelphia, now grown to a city of more than 30,000, largest in the federation, went about its daily business. To muffle the rumbling of carriages and carts passing by, guards spread fresh dirt daily over the cobblestones. Knots of curious onlookers were kept at a distance behind the 7-foot wall that enclosed the courtyard.

As July came, the temperature soared. Eleven years before, the noise, smells and especially the horseflies from the livery stable across the street had annoyed the delegates debating the Declaration. The stable was still there, and once again, as in '76, the windows had to be closed to keep out the insects, as well as the sun's intense heat.

A two-day recess was called to observe the Fourth of July. Tempers frayed, the delegates returned to their lodgings to rest and confer among themselves. Washington and Gouverneur Morris of Pennsylvania rode out to Valley Forge for trout fishing in a creek that ran through the countryside.

The delegates returned in a new mood, the realization dawning that compromises were essential to prevent the destruction of the convention.

So when Roger Sherman of Connecticut came forward with his proposal that one house of Congress have equal representation and the other proportional to their populations, this Great Compromise was adopted. The small states had won equality in the Senate and the bigger ones would gain by virtue of their population strength.

Accepted, too, was the plan of Oliver Ellsworth, also of Connecticut, that

Please turn to page 90

SALEM

THE political existence of the United States, perhaps, depends on the result of the deliberations of the Convention which is to be held at Philadelphia in May next, for the purpose of forming a national government. The acknowledged necessity of the measure has induced the states of New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, and Georgia, severally to appoint delegates to said convention — Maryland and South Carolina have also made provision for the choice of delegates — Connecticut has not yet entered on the important subject, but her concurrence cannot be doubted — Rhode Island has refused to cooperate in this business — from her anti-federal disposition (says a correspondent) nothing better could have been expected — to that state is owing, that the continental impost has not taken place — to her may be charged the poverty of the soldiers of the late army, the heavy taxes of our citizens, and the embarrassed state of public finances — It is presumed, however, that her dissent will never more be permitted to defeat any federal measure; rather let her be dropped out of the union, or apportioned to the different states which surround her; nor will the American constellation lose one gem thereby; the State of Vermont shines with far superior lustre, and would more than compensate the loss.

Pennsylvania Packet and Daily Advertiser, Apr. 12, 1787

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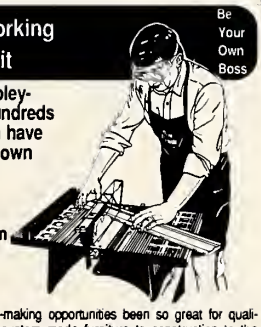
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CREATED

Continued from page 89

representation in the lower house be based on the number of free persons and three-fifths of "all other persons," — in other words, slaves.

Conciliation was plainly in the air. Other questions, based mainly on the Virginia Plan, had been settled. These included the scope and limitations of the powers granted to Congress, the manner in which the judiciary was to be set up, the lengths of terms of office for the legislators and — most important — the nature of the chief executive.

Some delegates had fought for a three-man executive, others wanted one person to serve a single seven-year term. Alexander Hamilton delivered a lengthy speech proposing a single chief elected for life, which he admitted came close to advocating a king. Finally agreement came on one head to serve four years, with possibility of re-election.

These agreements, of course, were not final. The Constitution had to be written and the phrasing approved. So on July 26, a five-man Committee of Detail, headed by John Rutledge of South Carolina, was named to put everything that had been discussed on paper.

Finally, on Aug. 6, it was placed before the convention and accepted, though subject to debate and change.

And changes there were.

Each of the 23 original articles, reduced to seven in the final version, was fine-combed, point by point.

One of the last and most nettlesome to be settled was how the President was to be chosen: After 60 ballots, the weary delegates settled on a four-year term, with possibility of re-election, and the complex Electoral College method which calls for indirect popular choice of the chief executive.

At 3 p.m., Sept. 17, after 115 days, 39 of the delegates stepped one by one to the dais and signed the document, which had been engrossed, or handwritten, on four sheets of parchment, each 28¾ inches by 23⅝ inches. An hour later the signing was completed and the exhilarated though bone-tired delegates celebrated at the city tavern with a dinner of roast fowl.

Nine long and bitter months of battling were to elapse before the Constitution was ratified by the states, but the work in Philadelphia was finished. Piece by piece, the delegates had fashioned the Supreme Law of the Land. ☐

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As befits a tribute of this magnitude, this knife will only be available in limited numbers until the end of this publicity campaign...at that time, the dies will be destroyed and the edition closed forever. Each knife you receive will be engraved with its own individual serial number, assuring you it is a part of this special celebration.

ATTENTION COLLECTORS! For the coveted low serial numbers, order quickly. Orders are processed on a first come, first served basis. There is a limit of two (2) knives per address at this price, but requests which are mailed early enough (before Sept. 20) may request up to seven.

No dealers please. These famous U.S. Constitution Commemorative Knives will not be sold at this price by the company in any store. To obtain one at this special Celebration Price, you must write to the company before midnight, Sept. 30, 1987.

Acquisition Guaranteed

Collectors should know that each commemorative knife is covered by the company's standard acquisition guarantee. Should you ever wish to sell or redeem your knife, the company pledges to repurchase it from you anytime you wish for the full cash price you paid.

To obtain your U.S. Constitution Commemorative Knife, send your name and address along with $5 for each knife. Add just $2 shipping and handling no matter how many knives you are requesting. Allow up to 60 days for shipment. Mail to: **SLM, Dept. DK1274, One American Way, Roanoke, VA 24016-8001** ©1987, DMV, INC.

Small Company's New Golf Ball Flies Too Far; Could Obsolete Many Golf Courses

Pro Hits 400-Yard Tee Shots During Test Round

Want To Shoot An Eagle or Two?

By Mike Henson

MERIDEN, CT — A small golf company in Connecticut has created a new, super ball that flies like a U-2, putts with the steady roll of a cue ball and bites the green on approach shots like a dropped cat. But don't look for it on weekend TV. Long-hitting pros could make a joke out of some of golf's finest courses with it. One pro who tested the ball drove it *400 yards,* reaching the green on all but the longest par-fours. Scientific tests by an independent lab using a hitting machine prove the ball out-distances all major brands dramatically.

The ball's extraordinary distance comes partly from a revolutionary new dimple design that keeps the ball aloft longer. But there's also a secret change in the core that makes it rise faster off the clubhead. Another change reduces air drag. The result is a ball that gains altitude quickly, then sails like a glider. None of the changes is noticeable in the ball itself.

Despite this extraordinary performance the company has a problem. A spokesman put it this way: "In golf you need endorsements and TV publicity. This is what gets you in the pro shops and stores where 95% of all golf products are sold. Unless the pros use your ball on TV, you're virtually locked out of these outlets. TV advertising is too expensive to buy on your own, at least for us.

"Now, you've seen how far this ball can fly. Can you imagine a pro using it on TV and eagle-ing par-fours? It would turn the course into a par-three, and real men don't play par-three's. This new fly-power forces us to sell it without relying on pros or pro-shops. One way is to sell it direct from our plant. That way we can keep the name printed on the ball a secret that only a buyer would know. There's more to golf than tournaments, you know."

The company guarantees a golfer a prompt refund if the new ball doesn't cut five to ten strokes off his or her average score. Simply return the balls — new or used — to the address below. "No one else would dare do that," boasted the company's director.

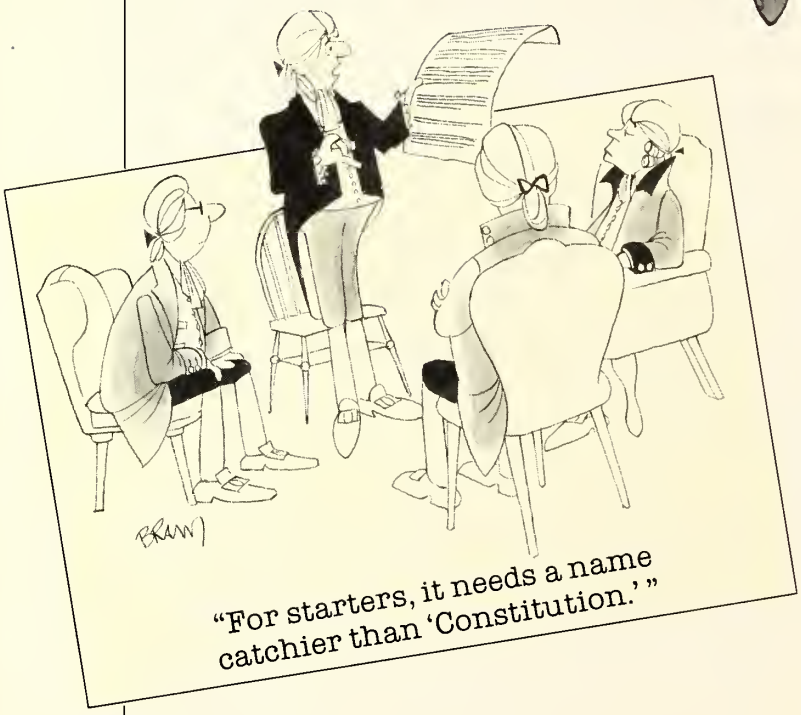
If you would like an eagle or two, here's your best chance yet. Write your name and address and "Code Name S" (the ball's R&D name) on a piece of paper and send it along with a check (or your credit card number and expiration date) to National Golf Center (Dept. H-533), 500 S. Broad St., Meriden, CT 06450. Or phone 203-238-2712, 9-5 Eastern time. No P.O. boxes, all shipments are UPS. One dozen "S" balls cost $21.95 (plus $1.95 shipping), two to five dozen are only $19.50 each, six dozen are only $99.00. You save $43.00 ordering six. Shipping is free on two or more dozen. Specify white or Hi-Vision yellow.

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CONSTITUTIONAL HUMOR

"Freedom of speech, okay. Bear arms, right . . . quartering soldiers, okay . . . unlawful search, yep . . . uh huh, yes, yes, so on and so forth. Now, this one here — number eleven — the right to have a poker night out with the boys . . . that needs work."





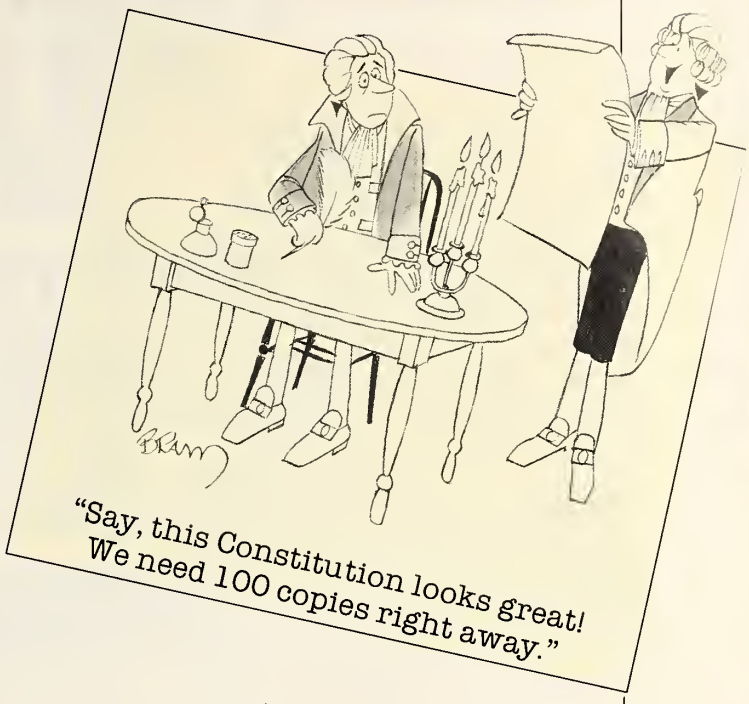
"For starters, it needs a name catchier than 'Constitution.'"



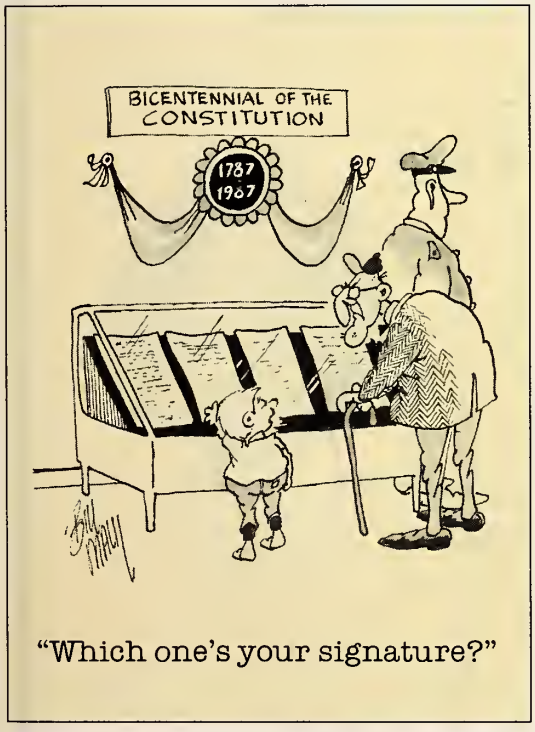
"This has been an interesting field trip, Ms. Youngblood . . . However, we do view with dismay some blatant . . . and I might add — disturbing . . . contradictions between this august document and certain school rules."



"Well, if I may say so, sir, we feel it's a straightforward and iron-clad constitution . . . and certainly not open to interpretation by some future wise-acre lawyers."



"Say, this Constitution looks great! We need 100 copies right away."



"Which one's your signature?"



"I tend to agree with Tom on this one. I think 'freedom' or 'liberty' or something is a better dedication than 'to all the guys and gals down at the Boar n' Brew . . ."

RIGHT OF KINGS

Continued from page 31

of the 13 original states to even think of creating a federal union with a constitution binding them together as one.

Quite aside from their loyalty to their own states, the American people in 1787 had a great fear of central governments, stemming from their recently fought revolution to escape from a distant, strong, insensitive central government in London. This fear was reflected in the Continental Congress when it met in New York early in 1787 to consider convening the Constitutional Convention. Washington, Hamilton, Madison and others wanted a true constitutional convention, but the Continental Congress voted only to recommend that delegates from all the states meet in Philadelphia to consider alterations in the *Articles of Confederation*. The resolution was explicit: The delegates were to meet "for the *sole* and *express* purpose of *revising* the Articles of Confederation." There was no hint of drafting a new constitution or of creating a strong central government.

This fear of a centralized government also helps explain the tremendous resistance to the Constitution during the ratification process. For example, popular and articulate heroes such as Patrick Henry and George Mason strongly opposed the Constitution during Virginia's ratification convention. When the vote was called on the final day, it was 89 to ratify and 79 opposed — a margin of only 10 votes with the power and prestige of George Washington, Madison, Marshall, Wythe and Randolph behind it. Without Virginia's ratification, there very likely would not have been a constitution at that time. New York ratified by a margin of only three votes. Rhode Island had already rejected the Constitution by popular vote, and New Hampshire's legislature had approved it by only a 10-vote margin.

NEW YORK

THE barbarous slave trade is in this enlightened age, for the honor of humanity, rapidly declining. Among the few arguments adduced in favor of that horrid traffic is the necessity of the measure — for we are given to understand, that a White is not able to endure the fatigue which an African is — and of course, that, had it not been for the slave trade, America and the West India Island would not have flourished as they have. But this may be the beginning of the question — for if the Whites were habituated to it, there is much likelihood that they would be as able to stand the labour as the Africans — when it is considered, that one third of the number imported are lost in the seasoning, which is not less annually than 27,000, it is a doubt, as white servants would be better treated, whether near so many would perish in the service. But be that as it may necessity cannot justify a bad act — and it is a law of the author of our religion that we are not to do evil that good may ensue.

Pennsylvania Packet and Daily Advertiser, Jan. 15, 1787

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The Constitution was miraculous for a second reason: It drew the 13 states together under a system of government that would provide freedom, stability, opportunity and prosperity for a changing society.

The new Constitution had three features that makes it unique in the history of governments. First, the Constitution represented not a grant of power from government to the people — as with King John's grant of the Magna Carta at Runnymede in 1215 — but a grant of power by "we the people" to a government springing from the people. No other national government in 1787 was based upon such a concept. At that time in world history, kings typically saw themselves as ruling by divine right. *The year 1789 — when the government under the new Constitution was formed — can be seen as the beginning of the end of the divine right of kings.*

The Constitution deliberately created a system of checks and balances, an idea that had never been tried in a national government. Although all of the delegates believed such a system was imperative, the question of just how to achieve it and still have a strong nation and an effective government kept them in Philadelphia from May to September. There was a great deal of give and take, of which the most striking example is the Great Compromise, which guaranteed equal representation of the states in the Senate in exchange for population-based representation in the House of Representatives. On the main proposition, however — a system composed of three coequal and independent departments — Madison, Hamilton and Wilson would not yield.

The new Constitution, through its commerce clause, also created a "common market" nearly a century and a half before Europe's common market joined our vocabulary. This feature of the document swept away many of the limitations on commerce and trade across state lines that had existed under the Articles of Confederation.

In the short span of 200 years, this nation has grown from a small contingent of fewer than 4 million people, scattered along the eastern seaboard, into a world power of 230 million strong. The Constitution — combined with the strength of our people, with personal integrity, with individual responsibility, and with the traditions of home and family — has permitted us to enjoy a degree of freedom, stability and prosperity that has eluded mankind during most of the world's history.

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How to Make Your Arteries Cleanse Themselves

Without Drugs or Surgery



Edwin Flatto, M.D.

(SPECIAL FEATURE)–Good news for everyone who is health conscious! A remarkable new health guide by Dr. Edwin Flatto is now available that reveals a medically tested method that can stimulate arteries to cleanse themselves–the natural way–without drugs or surgery.

It's called "Cleanse Your Arteries & Save Your Life." And it shows you exactly how nature can activate your body's built-in artery cleansing mechanism once you stop eating the wrong foods. It also warns you of the potential danger of certain so-called "cholesterol" diets.

Your own doctor will tell you that partially blocked arteries can produce many of the following symptoms. And he'll also agree that many of these symptoms may be improved once circulation is enhanced and the cleansing process begins. "Cleanse Your Arteries & Save Your Life" is based on documented scientific principles that can help:

- **Reduce chest pain (angina)**
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By following Dr. Flatto's advice you can feel better than you have in years. You'll learn which delicious foods to eat and which to avoid. And you'll probably have more energy than you know what to do with. Here's just a small sample of the useful and helpful information you'll find in this valuable aid to better health:

- **When women run higher risks for heart attacks**
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NATION DIVIDED

Continued from page 57

tory's supreme challenge to the founders' intention to create one perfect union. On April 12, 1861, shells from Confederate guns crashed onto Fort Sumter, launching the Civil War. The complex causes simmered down to sectional rivalry; the moral campaign of the abolitionists who abhorred the stain of slavery; and that bitter, ever-continuing quarrel over federal control vs. the rights of the states.

Abraham Lincoln never lost sight of his primary goal in the bloody four-year conflict that followed. He despised slavery and all it represented. "If slavery is not wrong," he once said, "then nothing is wrong." But his vision, enunciated clearly in a letter he wrote to Horace Greeley, editor of the *New York Tribune*, was the same vision the founders had in Independence Hall:

"My paramount object in this struggle is to save the Union and is not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that."

With the South's surrender, the Union was indeed preserved.

This agonizing test, which cost 600,000 lives, did not stop further challenges. Thankfully, none has been so bloody, but some have been bitter and even violent, among them women's suffrage and the civil rights revolution. The Constitution has coped with all challenges because of its elasticity in making provision for new problems and altered values. As James Madison said, "In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce."

Two keys were provided to accomplish this goal of making the document a living thing. One was to write the Constitution in such a general way that its sweep could be broadened and molded by legal interpretations, federal laws, customs and usage. Through the years, this is precisely what has come about in many areas of our society.

The second was the provision for amendments. To prevent the document from being altered for transitory reasons or by representatives of special interests, the founders deliberately erected high hurdles. Amendments must be approved by two-thirds of both houses and ratification by convention or the legislatures in three-fourths of the states. Over the years these provisions have tripped up scores of attempts at amending the Constitution.

But there were those that passed and were added to the Law of the Land.

Three amendments—the 13th ratified at the end of the Civil War and the 14th and 15th some years later—abolished the practice of slavery and guaranteed equality and civil rights to black citizens.

But the 14th Amendment did not result in true equality for the newly freed slaves because Jim Crow laws, mandating segregation, soon were passed in Southern states, circumventing the Constitution. In 1896, in the landmark ruling in the case of Plessy vs. Ferguson, the Supreme Court decreed that the "separate but equal" doctrine observed in the South did not violate the Constitution.

It was not until May 17, 1954, that this doctrine was renounced in another major decision in the case of Brown vs. the Topeka Board of Educaion. The ruling ordering the desegregation of Topeka schools launched a nationwide struggle for racial equality.

Although local laws often prevented blacks from obtaining all their rights, creative interpretations of the Constitution sometimes were put into play to achieve them. For example, in the case

PHILADELPHIA

TO THE FEMALES

The fair of this city are particularly called upon to bring about a reformation in their dress. Throw aside your large hoops, burn your bishops (bustles), and pull down those false bosoms which appear to every modest person as objects of temptation for the gentlemen. In short, be more decent in the whole of your attire, and despise every fashion that would tend to make you appear like dissipated, depraved Europeans, than plain, simple Americans.

Pennsylvania Packet and Daily Advertiser, Apr. 26, 1787

of the Freedom Riders of the 1960s, court rulings held that "white only" signs in public places could be forbidden under the clause in the Constitution that gave Congress the right to regulate commerce.

After the passage of the 14th Amendment, another large group of citizens began to protest. All male citizens could vote, but no women could. Women began to organize. Elizabeth Cady Stanton and Susan B. Anthony formed the National Women's Suffrage Association to press for an amendment.

In November 1872, Anthony was arrested in Rochester, N.Y., as she led a group of women to the polls. A jury convicted her of attempting to vote. Appearing for sentencing, she excoriated the judge for the "denial of my citizen's rights to vote as the denial of my sacred right to life, liberty, property."

The struggle continued. An amendment providing for woman suffrage was presented to every Congress. Women picketed, went on hunger strikes and many were jailed for disturbing the peace before the 19th Amendment finally was passed in 1920.

The Constitution is so flexible that it can even reverse itself. The 18th, or Prohibition Amendment, which forbade the manufacture or sale of alcoholic beverages, was so unpopular that it was routinely ignored. Ratified in 1919, it became effective the following year.

For 13 years Americans witnessed the "Noble Experiment," as President Herbert Hoover dubbed it, degenerate into an ignoble failure. The nation drank more than ever as bootleggers smuggled liquor and beer into the country over the porous Mexican and Canadian borders, and at remote ports along the Atlantic coast. Moonshiners operated stills in the mountains; speakeasies, where alcoholic drinks were sold, flourished in the cities; and "bathtub gin" was made in many apartments. Gangs feuding over control of territories mowed down each other in alarming numbers.

Finally, the nation had enough. In December 1933, the 21st Amendment repealed the 18th. Once again, the living Constitution responded to the national demand.

And it always will. Despite all the tests and all the challenges, it stands, rugged as the country that gave it birth, pliant enough to accommodate the new yet steely strong to reject the unwanted. In the words of the Preamble, it will continue "to secure the blessings of liberty to ourselves and our posterity...." □

United States Patent Principle Register #668248

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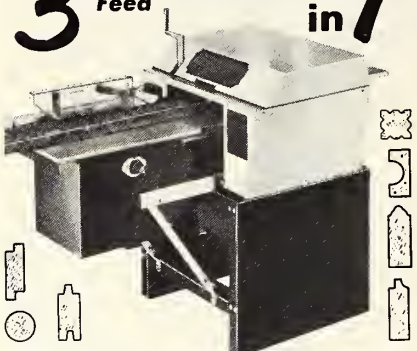
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JUDGES

Continued from page 71

stitutional convention, but with this difference: While a constitutional convention must submit its proposals to the states for ratification, opinions of the Supreme Court become operative the moment they are pronounced.

The Constitution of 1987 is not the same Constitution propounded in 1787. The Constitution has literally been changed by amendments and effectively changed by judicial interpretation.

The 14th Amendment passed in 1868 embodies both kinds of change. Under this amendment the states accepted certain restrictions upon their powers. Henceforth, no state could "deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

What was the intention of the framers of the 14th Amendment? What did they mean by the word "liberty"? What did they mean by "equal protection"? It was only by a process of judicial interpretation that "liberty" came to embrace the first nine amendments to the Constitution. By this process the states became subject to all the prohibitions originally imposed only on Congress. The authors of the 14th Amendment manifestly had no intention of denying to the states the power to maintain racially separate schools. In fact, the Congress that approved the 14th Amendment also authorized segregated schools in the District of Columbia—schools that remained segregated until 1954. The notion that "equal protection" demanded reapportionment of state legislatures, under a rule of one person, one vote, would have astounded the ratifying state lawmakers.

Justice Oliver Wendell Holmes repeatedly pleaded the case for judicial restraint and strict construction. "There is nothing that I more deprecate," he said, "than the use of the 14th Amendment beyond the absolute compulsion of its words to prevent the making of social experiments that an important part of the community desires, in the insulated chambers afforded by the several states, even though the experiments may seem futile or even noxious to me and to those whose judgment I most respect."

In another case, Holmes put his views bluntly: "I cannot believe that the

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amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions."

But three generations of justices have taken it upon themselves to decree, in effect, that what they regard as immoral is therefore unconstitutional. The Constitution explicitly sanctions capital punishment; the founding fathers clearly saw nothing cruel and unusual in the death sentence. But Justice Brennan said he believes that capital punishment is morally wrong; therefore, he holds it in violation of the Eighth Amendment. In this regard, Brennan and Justice Thurgood Marshall care not a fig for "original intention." Their concern is not for what the Eighth Amendment meant then. Their concern is for what, in their judgment, the amendment ought to mean now.

Meese has the better of this argument. He has eminent authority. Consider these past observations: "The judicial function is that of interpretation," said Justice George Sutherland. "It does not include the power of amendment under the guise of interpretation." Justice Benjamin Cardozo echoed the thought: "We are not at liberty to revise while professing to construe." Said Justice Felix Frankfurter: "There is a difference between reading what is and rewriting it." Said Justice Louis Brandeis: "We must be ever on our guard lest we erect our prejudices into legal principles."

The only way to avoid the evils of government by judicial oligarchy is to put good judges on the federal bench. Good judges will put aside their personal prejudices when they put on their robes. In constitutional cases, they will try conscientiously to seek the intention of the framers and ratifiers. In statutory matters, they will look at the language of the law, and they will not substitute their own notions of desirable public policy for the expressed will of Congress or the states.

This is what federal judges ought to do. What many of them actually have done is another matter — and their actions have amounted to a display of arrogance that cannot be condoned. □

Due to a typographical error, the premium rates for the American Legion Life Insurance Plan that appeared in the July 1987 issue of the American Legion Magazine were incorrect. The correct rates are outlined in the September, 1987 issue, and we apologize for any inconvenience.

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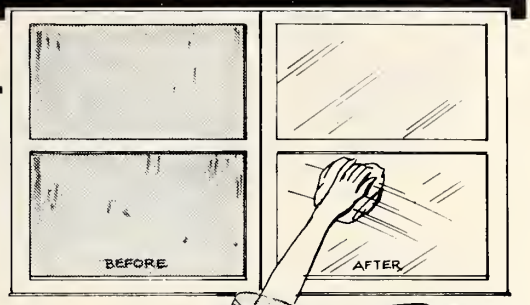
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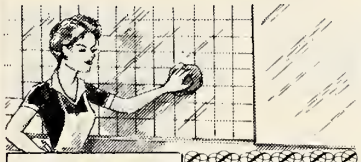


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CONFEDERATION

Continued from page 82

put aside. They have since been remembered mainly for their glaring weaknesses. But it would be wrong not to acknowledge their significant and positive contributions during what is now referred to as the critical period of American history.

Important achievements of the confederation included winning the Revolutionary War against one of the mightiest military powers on Earth; signing the 1783 Treaty of Paris with Great Britain, which secured our independence and gave the United States a vast domain between the Appalachian Mountains and the Mississippi River; and passing the farsighted Northwest Ordinance of 1787, which influenced westward expansion for many decades and still serves today as the model for territorial self-government.

The Articles of Confederation also provided a rich seedbed for the Constitution. They supplied invaluable experience in the use of a written constitution, provided for a limited government with specified powers, and created that unique American contribution to political science known as federalism or divided sovereignty. The articles are actually the source of more than 50 provisions now found in our Constitution. Some passages were taken verbatim from the earlier document.

The Articles of Confederation served as a bridge over which the United States passed from its colonial era into full nationhood. As we celebrate the bicentennial of our national charter of liberty, it is well for us to remember also the debt we owe to America's first Constitution. ☐

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Pennsylvania Packet and Daily Advertiser, March 9, 1786

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Pennsylvania Packet and Daily Advertiser, Oct. 11, 1786

10,000 ATTEMPTS

Continued from page 76

free states and his successor from slave states.

1869 — Disenfranchise the Chinese.

1871 — Create an income tax. (Forty-two years later, a similar amendment would be ratified).

1875 — Have the President serve one, six-year term and then become a senator for life.

1876 — Ban clergymen from federal office.

1881 — Create three vice president positions.

1884 — Establish nationwide marriage and divorce laws.

1890 — Prohibit lotteries.

1893 — Change the name of the United States of America to the United States of the World.

1893 — Create a national property tax.

1894 — Allow Supreme Court justices a single 10-year term.

1903 — Let Congress control inherited fortunes.

1907 — Allow voters to use a referendum to approve amendments.

1913 — Prohibit blacks from intermarrying with members of all other races.

1915 — Put a 15-year limit on all federal and state office holders.

1924 — Empower Congress to regulate or prohibit child labor.

1929 — Institute equal rights for men and women.

1936 — Eliminate compensation to congressmen for debates, speeches and services.

1943 — Mandate a balanced budget.

1963 — Abolish the income tax. ☐

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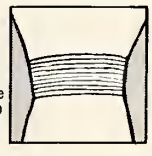
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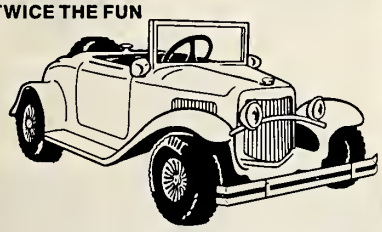
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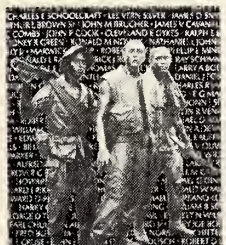
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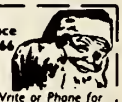


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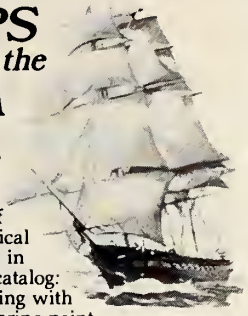
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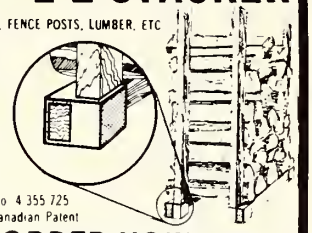
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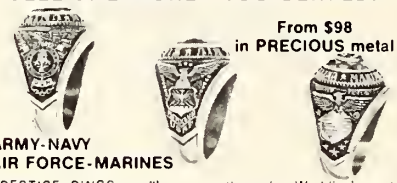


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THE BILL OF RESPONSIBILITIES

By Philip C. Clarke

AS CITIZENS of our free nation, we are forever invoking our constitutional rights, individual prerogatives unknown to most others in the world. The first 10 amendments to the Constitution, known as the Bill of Rights, guarantee, among other things, freedom of religion, of speech, of the press and the right of the people peaceably to assemble and petition the government for a redress of grievances. But what of our *responsibilities* as citizens, individual duties that are not spelled out in the Constitution?

This year, as Americans celebrate the bicentennial of the Constitution — and the 196th anniversary of the Bill of Rights — another remarkable document called the Bill of Responsibilities is gaining endorsement across the country.

The result of nearly two years of study and deliberation, the Bill of Responsibilities was drafted by a private group of scholars and prominent citizens commissioned by the Freedoms Foundation at Valley Forge, Pa. In the preamble to their thoughtful manifesto, the writers declared: "Freedom and responsibility are mutual and inseparable; we can ensure enjoyment of the one only by exercising the other. Freedom for all of us depends on responsibility by each of us."

The Bill of Responsibilities carries no legally enforceable weight. But, in defining the principal duties of citizenship, it conveys a moral obligation that is undeniable. The bill's 10 articles call on Americans to:



Philip C. Clarke, a former AP correspondent, is an editor and veteran journalist who writes frequently for this magazine.



H. ARMSTRONG ROBERTS

DUTY CALLS — *Along with the rights come the responsibilities of citizenship.*

"1. Be fully responsible for our own actions and for the consequences of those actions. Freedom to choose carries with it the responsibility for our choices.

"2. Respect the rights and beliefs of others. In a free society, diversity flourishes. Courtesy and consideration toward others are measures of a civilized society.

"3. Give sympathy, understanding and help to others...

"4. Do our best to meet our own and our families' needs. There is no personal freedom without economic freedom. By helping ourselves and those closest to us to become productive members of society, we contribute to the strength of the nation.

"5. Respect and obey the laws... Liberty itself is built on a foundation of law. That foundation provides an orderly process for changing laws. It also depends on our obeying laws once they have been freely adopted.

"6. Respect the property of others, both private and public. No one has a right to what is not his or hers. The right to enjoy what is ours depends on our respecting the right of others to enjoy what is theirs.

"7. Share with others our appreciation of the benefits and obligations of freedom. Freedom shared is freedom strengthened.

"8. Participate constructively in the nation's political life. Democracy depends on an active citizenry. It depends equally on an informed citizenry.

"9. Help freedom survive by assuming personal responsibility for its defense. Our nation cannot survive unless we defend it. Its security rests on the individual determination of each of us to help preserve it.

"10. Respect the rights and meet the responsibilities on which our liberty and our democracy depends."

Cynics among us may suggest that such high-minded principles are beyond human fulfillment. Yet, as Freedoms Foundation President Robert W. Miller said: "The Bill of Responsibilities provides us with a starting point... Now is the time for a vigorous national debate on the delicate balance between rights and responsibilities of citizenship — a concept of great importance to our country and its people."

The Freedoms Foundation, whose Center for Responsible Citizenship initiated the effort and got the ball rolling, is currently developing classroom material on the Bill of Responsibilities for kindergarten through high school. Said Secretary of Education William Bennett: "The Bill of Responsibilities answers the question of what kind of values we should teach in our schools."

"People often talk about 'My right to this and my right to that' until rights have almost become a license in our society," said Miller. "But seldom do we hear these same people talking about the flip side — responsibilities." Today, people *are* beginning to talk about those responsibilities. □

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